

Site Remediation Reform Act (SRRA) and Licensed Site Remediation Professionals (LSRP)

Faced with the challenge of ensuring that more than 20,000 contaminated sites in New Jersey are properly remediated in a timely manner, the NJDEP worked closely with the New Jersey Legislature and stakeholders to develop legislation that will dramatically change the process used to conduct environmental investigations and cleanups. On May 7, 2009, Governor Jon Corzine signed the [Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.](#) ("SRRA") into law. The Governor also signed [Executive Order #140](#), implementing the new law.

SRRA provides sweeping changes to the way in which sites are remediated in New Jersey by establishing a program for the licensing of Licensed Site Remediation Professionals ("LSRPs") who will have responsibility for oversight of environmental investigation and cleanup. While the law changes the process of how sites are remediated, it ensures the same stringent standards required for cleanup remain intact. The NJDEP will retain significant authority over the remediation process and will ensure that LSRPs comply with all applicable regulations, but the day-to-day management of site remediation will be overseen by qualified LSRPs.

Some of the highlights of the law are:

- The establishment of a Licensed Site Remediation Professional (SRP) program and an LSRP Board that issues licenses to qualified individuals to conduct the remediation of sites in New Jersey. The Licensed Site Remediation Professionals (LSRPs) are bound by a strict [code of ethics](#), violation of which could result in the assessment of penalties as well as suspension or revocation of their licenses. When the Act becomes fully effective in 2012 all remediating parties must use the services of a LSRP and must proceed with the cleanup of their site without prior NJDEP approval.
- 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.
- The NJDEP is required to establish mandatory remediation timeframes for the completion of key phases of site remediation.
- The NJDEP is required to maintain direct Department oversight in cases in which the remediating party is recalcitrant in conducting timely cleanups and for those sites that pose the greatest risk to human health and the environment.
- The NJDEP is authorized to establish presumptive remedies for residential development, schools and childcare facilities.

SRRA provides a three year phase in period for persons responsible for conducting the remediation to cleanup sites under the new LSRP remediation paradigm. The program will be fully implemented by May 7, 2012. During this phase in period, existing cases (cases where remediation was initiated before November 4, 2009 and are being continuously remediated) can continue under the traditional remediation paradigm with an assigned case manager who will oversee and approve each phase of remediation prior to the person moving on to the next phase, with the goal of receiving a Department issued No Further Action (NFA) determination when all remediation requirements are fulfilled. Alternatively, existing cases may "opt in" to the LSRP program by hiring an LSRP and notifying the Department accordingly. All parties remediating new cases (remediation initiated on or after November 4, 2009) must hire an LSRP and remediate under the new program. Effective May 7, 2012

when the LSRP program is fully implemented, all remediating parties will be required to retain an LSRP and remediate their site under the new LSRP paradigm, regardless of when the cleanup was initiated.

SRRA and LSRP Roles and Responsibilities

The Department's role in the LSRP program is to regulate responsible parties through its remediation regulations including ARRCs, Technical Requirements, Underground Storage Tank 2 rules (N.J.A.C. 7:14B), the Industrial Site Remediation Act rules (N.J.A.C. 7:26B), and the Remediation Standards rules (N.J.A.C. 7:26D). This includes inspecting and reviewing LSRP submittals to ensure that remediation work is completed in accordance with the Department's applicable standards and regulations.

The Responsible Party's role in the LSRP program is to remediate contaminated sites in accordance with the Department's applicable standards and regulations. Responsible parties are required to hire LSRPs that will oversee remediations and issue Response Action Outcome letters (RAO) when remediations are complete.

The LSRP's role in the LSRP program is to oversee the remediation of contaminated sites in accordance with the Department's applicable standards and regulations for responsible parties. They are subject to a strict code of conduct established by statute and regulation and must ensure that remediations are protective of human health, safety and the environment. The conduct of LSRPs is overseen by the Site Remediation Professional Licensing Board.

The Site Remediation Professional Licensing Board's role in the LSRP program is to establish licensing requirements for site remediation professionals and oversee the licensing and performance of site remediation professionals. The vision of the board is to provide an effective licensing program for site remediation professionals that facilitates cleanup of sites in a manner that is protective of public health and safety and the environment, and ensures the competency of Licensed Site Remediation Professionals.

The ARRCs rule at 7:26C-1.6(c) says that within 90 days of DEP publishing a notice in the New Jersey Register that the electronic portal is available, everything has to be submitted electronically.