

Under the new Site Remediation Reform Act (SRRA), DEP Terminated the Voluntary Cleanup Program and no longer issues Memorandums of Agreement (MOAs)

Property Acquisition/Due Diligence

- SRRA allows a prospective purchaser to hire an environmental professional who is not an LSRP to conduct preliminary assessments and site investigations for the purpose of due diligence
- An LSRP must be hired to obtain an RAO for a clean property, or to undertake a remediation to address contamination
- Once an LSRP is retained, all reporting obligations to DEP and the responsible party will be in effect pursuant to LSRP license requirements

Municipal officials can learn more about SRRA by visiting <http://www.nj.gov/dep/srp> or calling an appropriate representative from our Contact List at http://www.nj.gov/dep/srp/srra/srra_contacts.htm



New Jersey Department of Environmental Protection Site Remediation Program

Chris Christie, Governor
Kim Guadagno, Lt. Governor
Bob Martin, Commissioner
David Sweeney, Assist. Comm.

What Municipal Officials Should Know about The Site Remediation Reform Act

www.nj.gov/dep/srp



The Site Remediation Reform Act (SRRA) was signed into law on May 7, 2009

***ALL* responsible parties now have an "affirmative obligation" to remediate all known discharges**

SRRA has significant implications for *ALL* parties responsible for remediating contaminated sites and anyone interested in purchasing a potentially contaminated property. The following categories may trigger the provisions of SRRA, if your municipality:

- Owns a contaminated property
- Conducts Due Diligence Investigations
- Hosts a Brownfield Development Area
- Investigates Child Care Centers/Educational Facilities

Stay informed - visit the SRRA website:
<http://www.nj.gov/dep/srp>

Facts Municipal Officials should know about the Site Remediation Reforms

Existing Cases

(Sites currently under review by DEP)

- May continue with the “traditional” oversight by DEP; if a No Further Action (NFA) letter is not issued before May 7, 2012, then case must enter into the LSRP program
- May “Opt In” now, transfer from DEP staff to highly-qualified environmental consultants known as Licensed Site Remediation Professionals (LSRPs)

Regulatory/Mandatory Time Frames

- Applicable to *ALL* responsible parties
- Rules establish time frames to complete certain remedial phases
- DEP may extend time frames when complete funding applications are pending

Benefits of “Opting In” to the LSRP Program

- The remediation is likely to move more quickly because there is no waiting for DEP review and approval
- Known annual fees vs. unknown oversight costs
- Flexibility in the remediation schedule and approach
- LSRPs can approve the disbursement of remediation funding sources and financial assurances
- DEP’s focus will be on “compliance assistance” rather than enforcement

Child Care Centers/Schools

- LSRP must issue RAO for **New** Certificates of Occupancy &/or Construction Permits. Renewal applications do not require RAOs but rather certifications regarding the condition of the property. For additional information please go to: www.nj.gov/dep/dccrequest/
- Any remediation at Child Care Centers/Schools must use presumptive remedies developed by DEP. Guidance can be found at: www.nj.gov/dep/srra/guidance
- Grant Reimbursement available for Preliminary Assessment Report used to obtain Child Care License www.nj.gov/dep/srp/finance/hdsrf/hdsrf_ccfg.htm

New Cases (Sites with contamination discovered after November 2009)

- Must hire an LSRP to investigate and remediate contaminated sites
- The LSRP is “standing in” for the DEP to ensure compliance with the regulations
- DEP’s role is to screen all LSRP submittals and conduct reviews to ensure compliance with all DEP regulations
- No Further Action (NFA) letters will not be issued by DEP
- Response Action Outcome (RAO) letters will be issued by the LSRP
- RAO = NFA

Brownfield Development Areas (BDAs)

- SRRRA and the LSRP program apply to all Brownfield Development Areas
- DEP case managers will continue to coordinate the cleanups and provide direction to all parties involved

Unregulated Heating Oil Tanks (UHOT)

- Leaking residential heating oil cases will continue to be handled through DEP and with UHOT certified contractors or you can hire an LSRP.