

Presumptive Remedies

March 30 2010

Why we established presumptive remedies

Pursuant to Section 47g of P.L. 2009 c.60 which amends the Brownfields Act (C.58:10B-12), the Department of Environmental Protection (Department) is required to establish presumptive remedies.



When must a presumptive remedy be used?

- for any remediation initiated after May 7, 2010 at a site or area of concern where new construction is proposed for residential purposes, for use as a licensed child care center or as a public school, private school, or charter school, or
- for any remediation initiated after May 7, 2010 at a site or area of concern where there will be a change in the use of the site to residential, child care, or public school, private school, or charter school purposes or another purpose that involves use by a sensitive population.

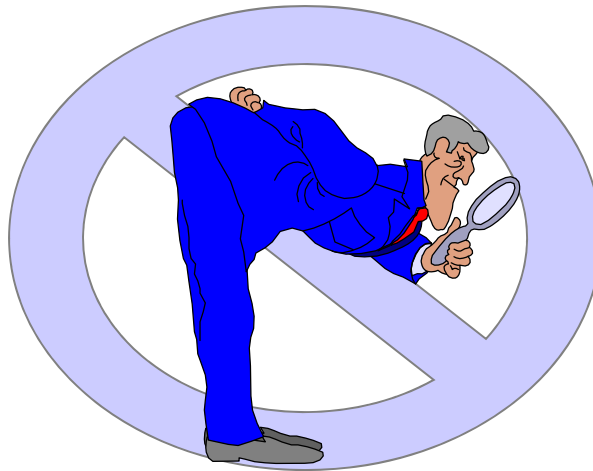
What is new construction?

- New structures or additions to existing structures that increase the building's footprint.
- New ball fields
- New playgrounds
- New buildings



Can presumptive remedies be used at other sites?

- A presumptive remedy can be used at any site.
- The use of a presumptive remedy will affect the level of review that is conducted on a report.



What is on the presumptive remedy chart?

- The chart is divided into sections based upon contaminant type such as historic fill, immobile chemicals and mobile chemicals.
- The chart also indicates remedies based on future use of the specific area, such as play ground, walkways, and driveways.
- The chart indicates different remedies for schools, child care centers and residences, where appropriate.

Are there other options?

- Either remedies listed in the presumptive remedy table
- Unrestricted use remedies,
- Or an alternate remedy that is pre-approved by the Department.

What is an alternate remedy?

- An alternate remedy is a remedy that is submitted to the Department for its review and approval.
- It is used when the presumptive remedy is impractical due to conditions at the site,
- or would be equally protective over time as a presumptive remedy.
- All alternate remedies must be approved by the Department prior to its implementation.

Changes to the Presumptive Remedy Table/Guidance

- Changes will be made to the Presumptive Remedy Table and Guidance document as Alternate Remedies are submitted and approved and
- when new technologies become available.



How to apply for an alternate remedy

- Included in the Remedial Action Work Plan forms that are required to be submitted with each work plan are questions relating to alternate remedy and presumptive remedies.
- The Department will be available for discussions regarding the alternate remedy prior to its submittal.

Current Versions

- The current version of the Presumptive Remedy Chart can be found at:
http://www.nj.gov/dep/srp/guidance/srra/presumptive_remedy_guidance_DRAFT.pdf
- The guidance document for Presumptive Remedies is still being drafted and will be posted as soon as it is available at:
<http://www.nj.gov/dep/srp/guidance/srra>

Comments Received

- We received many comments on the draft Presumptive Remedy Table.
- We incorporated many of the changes into the revised table that is currently available and into the Presumptive Remedy Guidance document.

