

Law change brings options to cleanups
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The Record

Q. My company is currently undertaking an environmental cleanup at its property. I heard that there is a new law that will speed up the cleanup process. Will that law apply to an ongoing cleanup?

On May 7, 2007, the Site Remediation Reform Act (SRRA) was signed into law by Governor Corzine. This law is the state's attempt to fix the existing cleanup program administered by the New Jersey Department of Environmental Protection. The DEP is understaffed, resulting in many cleanups languishing for years. The main goal of the SRRA is to remove the DEP from most cleanups, and instead have the cleanups managed by licensed site remediation professionals (LSRPs). The final details of the program will not be known until the DEP issues new regulations in November.

The SRRA will require all cleanups commenced after Nov. 3 to use an LSRP. Cleanups commenced before that date, however, may opt to continue under the DEP's direct oversight, without an LSRP, until 2012 or participate in the new program using an LSRP for their cleanup. Use of an LSRP may result in faster cleanups because LSRPs will not have to wait for the DEP to approve the various stages of the cleanup. Instead, LSRPs will be empowered to investigate and remedy the contamination without the DEP's direct oversight. The required cleanup standards have not been changed, so the same amount of work will be required. Once

the cleanup is completed, the LSRP will issue a Response Action Outcome certificate, which will replace the DEP-issued No Further Action Letters.

Because each cleanup is different, it is advisable to discuss the SRRA and its application to your cleanup with an environmental attorney.

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