



LEGAL Q&A

Q If you own or operate contaminated real estate in New Jersey, is it possible to cleanup the property without the State of New Jersey's direct oversight, that is, on a private basis?

A Yes. On May 7, 2009, a new law was passed in New Jersey known as the "New Jersey Site Remediation Reform Act." Prior to this new legislation, virtually all remediation cases in New Jersey required some form of direct oversight involving the New Jersey Department of Environmental Protection ("NJDEP"). However, under the new law, many remediation efforts could be implemented without direct NJDEP oversight. In short, the new law encourages environmental consultants to pursue licensure and certification under NJDEP's new privatization program. In turn, owners and operators of contaminated property may now retain certified consultants to perform the investigation and remediation work in conformance with NJDEP's requirements. Under NJDEP's existing program, historically the State would review a consultant's proposal for approval, and frequently respond in whole or in part with deficiencies or an approval. In contrast, the new law permits the consultant, not the State, to certify that the property meets applicable standards. This new legislation is intended to streamline the process, and reduce the time of the overall remediation process.



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