



**RT ENVIRONMENTAL SERVICES, INC.**

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## SITE REMEDIATION REFORM AND LICENSED SITE PROFESSIONAL BILL MOVES FORWARD

**April 2, 2009**

Both houses of the legislature have approved changes to NJDEP's Site Remediation program, which will privatize most cleanup projects. Remaining concerns include:

- Section 27 - The circumstances under which NJDEP "shall" undertake direct oversight still a concern. For example, a single failure to meet a mandatory timeframe triggers mandatory NJDEP direct oversight.
- Section 27 also continues to require a feasibility study, allows NJDEP to select the remedy, and requires the establishment of a remediation trust fund for any site subject to direct oversight. The South Jersey Chamber of Commerce believes these are still troublesome provisions in the legislation.
- Section 28 - The bill would require NJDEP to set mandatory timeframes for each phase of a remediation. It is unclear why this requirement is necessary. NJDEP already specifies how long a party has to complete its work in responding to NJDEP comment letters and NJDEP already requires the inclusion of schedules in all submittals. If this requirement was kept in the bill, a requirement for NJDEP to respond to submittals in a mandatory timeframe should also be included.

The next step is for the Governor to sign the regulation, and then, the process to prepare regulations starts.

*RT has commented to DEP's Commissioner Mark Moriello and Assistant Commissioner Irene Kropp that offsite groundwater impacts can't be easily addressed by LSP's...DEP needs to be involved in projects involving offsite groundwater contamination going forward. RT has been invited to assist in the further rulemaking process and will do so.*

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