

Remediation of Contaminated Properties

In New Jersey, the remediation of contaminated properties is governed by stringent state laws, most notably the Spill Compensation and Control Act, the Industrial Site Recovery Act (ISRA), the Brownfield and Contaminated Site Remediation Act, and the Underground Storage of Hazardous Substances Act. Furthermore, the Site Remediation Reform Act (SRRA) and its accompanying regulations mandate that most remediation activities be overseen by a Licensed Site Remediation Professional (LSRP). Greenbaum's market-leading environmental law practice supports clients through every stage of the often-intricate environmental remediation process, from initial discovery to regulatory closure. Our goal is to help clients achieve complete and compliant cleanups in the most efficient and cost-effective manner possible, allowing for the productive use or reuse of their properties.

Our legal services related to remediation projects involving contaminated properties are broad-based and comprehensive. The firm's environmental team advises clients on their immediate obligations upon discovering a discharge or contamination, including mandatory reporting to the New Jersey Department of Environmental Protection (NJDEP) and adherence to strict regulatory timeframes for responding to Immediate Environmental Concerns (IECs) such as potable water impacts or vapor intrusion. We assist clients in retaining qualified LSRPs and provide legal guidance throughout the remediation process to ensure regulatory compliance. We provide counsel on the scope and execution of site investigations to assist with identifying the nature, extent, and source of contamination in soil, groundwater, and soil vapor in compliance with the NJDEP's "Technical Requirements for Site Remediation."

Once contamination is identified, we work with clients and various environmental professionals to evaluate and select appropriate remedial action strategies for contaminated media, such as soil or groundwater, including the use of institutional controls or engineering controls. We oversee the preparation and submission of all required regulatory filings and approvals, including Remedial Investigation Reports, Remedial Action Workplans, and Remedial Action Reports. We facilitate the issuance of Response Action Outcomes from LSRPs, which certifies that the site has been remediated in accordance with all applicable rules and is protective of public health and the environment. For remedies involving engineering controls or institutional controls, we also assist with preparing Deed Notices, and securing and maintaining Remedial Action Permits, which contain requirements for ongoing monitoring and biennial certifications of protectiveness.

For those remedial activities that are required to post funding sources, we advise clients on the various options to meet New Jersey's requirement for a Remediation Funding Source or Financial Assurance. We also assist clients with managing their projects to meet the NJDEP's regulatory timeframes for the various stages of the remediation process, preventing potential enforcement actions or direct NJDEP oversight.

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