



Administrative Requirements for the Remediation of Contaminated Sites Rule Now Effective

Who is affected by this initiative?

Affected parties include:

- Owners/operators of industrial establishments subject to the provisions of the Industrial Site Recovery Act;
- Dischargers of a hazardous substance or persons in any way responsible for a hazardous substance pursuant to the Spill Compensation Control Act;
- Owners/operators of underground storage tanks regulated pursuant to the Underground Storage of Hazardous Substances Act; and
- Any person responsible for conducting remediation.

What is DEP doing?

The Site Remediation and Reform Act (SRRA) became effective on May 7, 2009 and authorizes the Department to establish an interim rule for SRRA implementation. The interim rule, the Administrative Requirements for the Remediation of Contaminated Sites (AARCS) Rule, which is not subject to public comment, became effective upon filing on November 4, 2009. The AARCS Rule contains key amendments to rules concerning the Industrial Site Recovery Act, the Spill Compensation Control Act, the Underground Storage of Hazardous Substances Act, and the Brownfield and Contaminated Site Remediation Act. The AARCS Rule will be readopted in the fall of 2010 and at that time will be subject to public comment and thereafter be adopted before the expiration date of the interim rule. In addition, the Department is adapting its internal operations to prepare for the changes that are required by the SRRA and included within the AARCS Rule.

Why is DEP providing notice of the effective date of the AARCS Rule?

The SRRA imposes on the affected parties an affirmative obligation to remediate discharges and changes the process for how contaminated sites are to be remediated. All affected parties must complete remediation within mandatory timeframes. Any person initiating remediation after November 4, 2009 must use the services of a licensed site remediation professional. The voluntary cleanup program no longer exists, and memoranda of agreement are no longer available. These changes are reflected in the AARCS rule which replaces N.J.A.C. 7:26C, Department Oversight of the Remediation of Contaminated Sites. All persons responsible for conducting remediation are required to comply with the rule, and associated guidance and standards.

COMPLIANCE ADVISORY

What should I do?

Affected parties should obtain and become familiar with the ARRCS rule. An official version of the ARRCS rule will be in the New Jersey Register on December 7, 2009. An unofficial version is available now from the Department's website. In addition, affected parties who are responsible for a discharge should conduct remediation by complying with the ARRCS rule, specifically N.J.A.C. 7:26C-2, in order to meet the obligation established by the SRRA to proactively address discharges.

Who should I contact with questions?

Questions regarding how to remediate a contaminated site should be directed to a licensed site remediation professional (see below).

Questions regarding liability to conduct remediation should be directed to your attorney.

Questions regarding the ARRCS Rule and related amendments can be directed to any of the following Site Remediation program areas:

- Len Romino, Assistant Director, Responsible Party Remediation Element, (609) 633-1408
- Wayne Howitz, Assistant Director, Remedial Management and Operations Element (609) 984-1351
- Ken Kloo, Brownfields Remediation and Reuse Element, (609) 292-1251
- Ronald T Corcory, Assistance Director, Enforcement and Assignment Element (609) 633-1480
- Barry Frasco, Hazardous Site Science Element, (609) 633-6801
- Office of Community Relations (609) 984-3081

Where can I get more information?

The following web site can be accessed for additional information regarding this advisory:

<http://www.nj.gov/dep/srp/srra/> (General information about SRRA and links to related important information)

http://www.nj.gov/dep/srp/srra/l srp/temporary_lsrp_list.htm (List of temporary licensed site remediation professionals)

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

To comment on this advisory:

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the numbers listed above.