

Requirement to Remediate the Discharge of a Hazardous Substance

SRRA created an affirmative obligation for a person to remediate a discharge. The responsible party shall not wait for direction from the State, but must initiate necessary actions upon discovering the discharge.

Section 30 of the Site Remediation Reform Act (SRRA) created Section 1.3 within the Brownfield and Contaminated Site Remediation Act (Brownfield Act) which established an affirmative obligation upon any person liable for the discharge of a hazardous substance to remediate the discharge (See N.J.S.A. 58:10B-1.3a).

Specifically, any person who is liable for a discharge of a hazardous substance pursuant to:

1. the Industrial Site Recovery act, N.J.S.A. 13:1K-6 et seq.,
2. the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g, or
3. the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq.,

is required to remediate the discharge.

Remediation of the discharge includes, without limitation, initial remedial investigation to determine the extent of contamination, development and implementation of a remedial action, and the maintenance and monitoring of the remedial action.

This affirmative obligation to remediate a discharge of a hazardous substance became effective on May 7, 2009. In addition, SRRA also specifies certain requirements that the person liable for the discharge of a hazardous substance must fulfill as part of the remediation of the discharge. These requirements can be found in section 1.3(b) through 1.3(e) of the Brownfield Act (See N.J.S.A. 58:10B-1.3(b)-(e)).