

## **1. Affirmative obligation to conduct remediation**

On May 7, 2009, the Legislature established an affirmative obligation to remediate contamination as part of P.L. 2009 c.60.

The Legislature (N.J.S.A. 58:10B-1.3a) clearly articulates that any person who is liable for a discharge pursuant to the Industrial Site Recovery act, N.J.S.A. 13:1K-6 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g, or the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., has an affirmative obligation to remediate a discharge of a hazardous substance. This affirmative obligation applies to the entire remediation, including without limitation, the remedial investigation as well as the development and implementation of the remedial action, including all maintenance and monitoring of the remedial action, whether or not the Department takes any action to compel the remediation. The following statutory section, N.J.S.A. 58:10B-1.3b, mandates how these persons are required to conduct the remediation.

### **What does this mean for you?**

If you are in anyway responsible for a discharge (the discharger or the owner or operator of a facility) and you know about a discharge, after November 4, 2009, you are responsible to remediate it in accordance with the Department's rules and guidance within the established regulatory and mandatory time frames.