Managing Contaminated Sites in Property Portfolios - the Regulator Perspective

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Risks is Present from Regulators in Multiple Ways

- Closed, inactive sites; closed, active remediation sites vs. active operational sites
  - Each present their own type and level of risk
  - Each subject to inspection and potential enforcement for non-compliance
Closed, Inactive Sites

- Dependent upon State Regulatory program
  - NJ requires hiring an LSRP
  - Time frames for submissions
  - Time frames for completion of remedial investigations
  - Time frames for completion of remedial activities
  - Ongoing maintenance of remedial measures
Closed, Active Remediation Sites

- Compliance may exist with Site Remediation regulation
- Non-compliance may exist in other regulatory areas
  - Solid Waste
  - Hazardous Waste
  - Air Pollution
  - Water Pollution
NJDEP Exemption From Direct Oversight

- “Section 27e(1) of the Site Remediation Reform Act exempts certain sites undergoing remediation from being placed into direct oversight. Section 27e(1) states:
- Any oversight procedure, remedy, or other obligation in P.L. 2009, c.60 (C.58:10C-1, et. al.) shall not affect a remediation conducted pursuant to and in compliance with a settlement of litigation to which the Department is a party if the settlement (a) occurred prior to the date of enactment of P.L. 2009, c.60 (C.58:10C-1, et. al.), or (b) is a settlement of litigation pending on the date of enactment of P.L. 2009, c.60 (C.58:10C-1, et. al.). (Emphasis added)
- It should be noted that this exemption applies only if a remediation is “conducted pursuant to and in compliance with” a settlement of litigation to which the Department is a party. If a remediation subject to such a settlement of litigation pending as of May 7, 2009 is not conducted pursuant to or is not in compliance with the settlement of litigation, the exemption provided in section 27e(1) no longer is in effect and the provisions of section 27a through d and this guidance document are applicable.”
Active, Operational Sites

- Subject to regulatory program inspections
  - Regulatory Status
  - Frequency of Inspection
- Discharges
- Citizen Complaints
Regulatory Resources

- Delaware - [http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx](http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx)
- New Jersey - [http://www.state.nj.us/dep/srp/](http://www.state.nj.us/dep/srp/)
- Pennsylvania - [http://www.depweb.state.pa.us/portal/server.pt/community/environmental_cleanup___brownfields/6049](http://www.depweb.state.pa.us/portal/server.pt/community/environmental_cleanup___brownfields/6049)
Questions

- At enviroCOP we offer the following services:

<table>
<thead>
<tr>
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<th>Enforcement Support Services</th>
<th>Beyond Compliance Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Guidance</td>
<td>State &amp; Federal Enforcement Process Guidance</td>
<td>Environmental Stewardship</td>
</tr>
<tr>
<td>Audit Team Support</td>
<td>Settlement negotiations</td>
<td>Environmental Management Systems</td>
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<tr>
<td>Inspection &amp; Multi-media Guidance</td>
<td>Supplemental Environmental Projects</td>
<td>Compliance Plans</td>
</tr>
</tbody>
</table>

**Other Services:** Environmental Strategic Planning; Fiscal Policy Analysis; Grant Management from Application to Completion; Establishing Fiscal Control Environments; Procurement Process Improvements; and Contract Development & Management.
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