



# Overview of Amendments to SRRRA and Other Statutes (aka SRRRA 2.0)

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# SRRA 2.0

- Signed into law Friday, August 23, 2019
- Officially known as P.L. 2019, c. 263
- Amended definition of "remediation" or "remediate"
  - Broadened definition
  - Deleted phrase "of a contaminated site"
    - Expands scope of persons initiating remediation
    - Some sites with obligation to remediate are not initially considered "contaminated sites" (example, ISRA trigger, contamination not identified but conducting remediation by performing preliminary assessment and site investigation)





# SRRA 2.0

- Spill Act
  - Innocent purchaser defense
  - Ticketing in Municipal Court
- Affidavit of Merit
  - Specifies LSRPs as “licensed person” pursuant to P.L.1995, c.139 (C.2A:53A-26)
  - Requires plaintiff in malpractice complaint against LSRP to produce “affidavit of merit” from another LSRP stating there is reasonable probability that actions of LSRP fell outside acceptable professional or occupational standards
  - If no affidavit, case dismissed





# SRRA 2.0

- Brownfield Act
  - Replaced "hired" with "retained"
    - Consistency among various statutes
    - Added definition of "retained"
  - Deleted references to "memorandum of agreement"
  - Exception for needing LSRP
    - If confirming work performed by another LSRP





# SRRA 2.0

- Brownfield Act
  - Clarified language for various Remediation Funding Source mechanisms
  - Added Surety Bonds as Remediation Funding Source mechanism
    - Allowing Payment Bond (aka Guarantee Bond)
    - NOT allowing Performance Bond





# SRRA 2.0

- Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq.
  - Amended definition of immediate environmental concern
    - Deleted "at or" above ground water standards
    - Deleted "occupied" structure
  - Added exception to remediate "unoccupied" structures, provided certain conditions are maintained





# SRRA 2.0

- SRRA
  - Amended qualifications to become LSRP
  - Amended "hierarchy" to require LSRP to follow Board rules
  - Professional judgment - need to explain what and why, cannot just say "because"
  - Amended notification requirements
  - Better specified who cannot perform remediation
  - Prohibition on false certifications of documents
  - Statement that LSRP needs to be retained for duration of remedial action permit





# SRRA 2.0

- SRRA

- Direct oversight

- Site not subject to direct oversight if due to:
      - Access issues (need to document all efforts made to gain access)
      - DEP review of federal-lead sites
    - Post RFS using any mechanism other than self-guarantee
    - Direct oversight runs with site, not person responsible for conducting remediation
    - Adjustments
    - "Pre-purchaser" Administrative Consent Order
    - Reinstate adjusted requirements

