

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

## **ADOPTIONS SECTION**

### **ENVIRONMENTAL PROTECTION**

#### **CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT**

##### **Notice of Readoption**

##### **Industrial Site Recovery Act Rules**

##### **Readoption: N.J.A.C. 7:26B**

Authority: N.J.S.A. 13:1D-1 et seq., 13:1K-6 et seq., 58:10B-1 et seq., and 58:10-23.11 et seq.

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Effective Date: May 11, 2023.

New Expiration Date: May 11, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B, were scheduled to expire on Saturday, July 22, 2023. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted without change because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Industrial Site Recovery Act Rules (the ISRA rules), N.J.A.C. 7:26B, implement the Industrial Site Recovery Act (the Act), N.J.S.A. 13:1K-6 et seq., and are intended to protect the public health and safety, and the environment by encouraging efficient and timely remediation of contaminated industrial establishments. Owners and operators are strictly liable to investigate and

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remediate contamination at the industrial establishment prior to transferring ownership or closing operations. These changes in ownership or operation include the sale of property, the sale of businesses, and the cessation of operations at the site, although the ISRA rules include a number of exceptions, such as for some corporate reorganizations, transfers between or among immediate family owners, and transfers to heirs by devise or intestate succession. The rules also provide a *de minimis* quantity exemption that, under certain limited circumstances, will allow the cessation of operations or transfer of ownership without conducting a remediation. Until the necessary investigation and remediation, if any, are complete, the transfer of ownership or operations cannot take place.