

Site Remediation Reform Act (SRRA) Listserv Archives

September 9, 2016 - [SRRA]: Clarification of the Remediation Requirements for Historic Fill

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Subject [SRRA]: Clarification of the Remediation Requirements for Historic Fill

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There have been numerous inquiries of the Department of Environmental Protection asking what is required when historic fill is encountered at a site undergoing remediation. The purpose of this message is to highlight the statutory requirements and to identify the remedial requirements when historic fill is encountered.

As currently defined in statute, historic fill meets the definition of a discharge within the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11) and therefore requires remediation. The Brownfield and Contaminated Sites Act (N.J.S.A. 58:10B-1 et seq.) provides a rebuttable presumption that the Department shall not require any person to remove or treat historic fill in order to comply with applicable health risk or environmental standards in 58:10B-12h but it does not alter the requirement to remediate. In these areas engineering and institutional controls are designed to prevent exposure to humans. The Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) exempts reporting historic fill to the Department's Hotline at N.J.S.A. 58:10C-16k but it also does not alter the requirement to remediate.

Irrespective of whether the confirmed presence of historic fill is reported to the Department's hotline in accordance with the Site Remediation Reform Act, remediation is required in compliance with N.J.A.C. 7:26C-2.3.

SRP Site Remediation Reform Act (SRRA) Web site: www.nj.gov/dep/srp/

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