

Site Remediation Reform Act (SRRA) Listserv Archives
August 19, 2019 - [SRRA]: Clarification Regarding No Further
Action/Investigation Statements in
New Jersey Department of Environmental Protection (DEP)
Comment Letters
Issued Prior to Enactment of the Site Remediation Reform Act
(SRRA)

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Subject [SRRA]: Clarification Regarding No Further Action/Investigation
Statements in New Jersey Department of Environmental
Protection (DEP) Comment Letters Issued Prior to Enactment of
the Site Remediation Reform Act (SRRA)

[SRRA]: Clarification Regarding No Further Action/Investigation Statements in
New Jersey Department of Environmental Protection (DEP) Comment Letters
Issued Prior to Enactment of the Site Remediation Reform Act (SRRA)

There has been some confusion as to whether a statement that "no further action"
or "no further investigation" for an area of concern included in a historical
comment letter issued by the New Jersey Department of Environmental Protection
(DEP) prior to the enactment of the Site Remediation Reform Act (SRRA) is
equivalent to a formal "No Further Action Letter" issued by the DEP.

A statement in such a comment letter that either "no further action" or "no further
investigation" is required for one or more area(s) of concern is not equivalent to a
formal "No Further Action Letter" as defined pursuant to the Brownfield and
Contaminated Site Remediation Act (Brownfield Act), N.J.S.A. 58:10B-1 et seq.
issued by the DEP. A comment letter with a "no further action" or "no further
investigation" statement is not a Final Remediation Document as defined pursuant
to the Brownfield Act. Therefore, these areas of concern require further evaluation
as determined by the retained licensed site remediation professional (LSRP)
applying professional judgment prior to the issuance of a Response Action
Outcome (RAO).

Conversely, a "No Further Action Letter" is considered a Final Remediation
Document. The LSRP may rely on this formal "No Further Action Letter," provided
in his or her professional judgment the remediation for which the "No Further
Action Letter" was issued is still protective of the public health and safety and of
the environment.

For additional clarification related to the DEP's issuance of a "No Further Action
Letter" and an LSRP's obligations, please note that a person responsible for
conducting remediation cannot rely solely upon a previously issued "No Further
Action Letter" when an LSRP determines additional investigation is necessary to
support the issuance of an RAO.

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

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