

Breaking the Backlog:

SITE REMEDIATION REFORM CRUCIAL TO ECONOMIC DEVELOPMENT, HEALTHY ENVIRONMENT

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Take a hard look around your city or town.

On one block you might see an old mill, most of its windows shattered and bricks crumbling. Perhaps not too far away is the low-slung roof of a small chemical processor that closed a few decades ago. Or the deteriorating service islands of an abandoned gas station. Or a weedy lot where a midnight dumper once disposed of hazardous chemicals.

It's an unfortunate fact that far too many sites such as these continue to scar New Jersey's communities, creating potential environmental threats and hampering economic development. Yet New Jersey has long recognized that these sites present potentially boundless redevelopment opportunities, ways to grow the economy and build a better future while taking development pressure off areas that should be protected, such as farms and forests.

In the early 1990s, New Jersey enacted aggressive laws and quickly became a national leader in brownfield redevelopment and the cleanup of contaminated sites. Those laws allowed the state to make significant progress on the most pressing environmental issues associated with its largest sites.

And New Jersey has had great brownfield successes, transforming abandoned factories and unused industrial sites into revenue-generating businesses such as shopping centers and warehouses as well as new residential developments.

But as well-intentioned as the laws are, they have not been able to keep up with the sheer volume of the state's contaminated sites. It's time to adapt laws and regulations to current realities.

The Department of Environmental Protection's (DEP) Site Remediation Program now has some 20,000 contaminated sites under its purview, far too many to be handled expediently. The DEP shares the frustrations expressed by many business and community leaders who argue the current system is simply too cumbersome and works too slowly.

By now, you are probably aware that the DEP is working closely with the Legislature to reform the program, an effort supported fully by the DEP's new Acting Commissioner Mark N. Mauriello. Together, we are working toward a system that will enable us to clean up these sites, reduce our case backlog, better protect our communities and build a stronger New Jersey.

The key to reform is the Site Remediation Reform and Licensed Site Professional legislation, which amends existing laws to speed up the remediation process and establishes a new board to license consultants who work on site remediation cases. Companion bills have been introduced in both houses. Senator Bob Smith, D-Piscataway, and Assemblyman John F. McKeon, D-South Orange, are the sponsors.



New Jersey DEP Acting Commissioner Mark N. Mauriello and Assistant Commissioner Irene Kropp confer on their effort to improve New Jersey's site remediation process.

Work toward these bills began in 2006, when the DEP's then-Commissioner, Lisa P. Jackson, testified before the Senate Environment Committee on the pressing need for a better way to clean up contaminated sites. Soon after, the DEP convened a diverse group of stakeholders to explore the problems and craft solutions. Stakeholders included business leaders, government leaders, prominent environmental groups, redevelopers and environmental consultants.

As a result of this process, the DEP issued a series of white papers that outlined broad reform objectives and the introduction of the bills last year. We continue to work on the details and hope to see a final version of the legislation in the spring.

The core to reform is the Licensed Site Professional program component of the bill. It is based on a very successful model operating in Massachusetts for more than 15 years. The Massachusetts program has a proven track record of significantly accelerating the state's pace of cleanups.

The New Jersey program will mirror the Massachusetts program, requiring consultants to meet strict criteria in order to perform site remediation-related work. Consultants will be required to meet firm deadlines and certify the accuracy of all work they submit to the DEP.

Key to the program's success will be creation of a board to license and oversee the professional conduct of the consultants. The board will develop rules related to the licensing process and will have the ability to issue penalties and suspend or even revoke licenses.

When remediation activities are completed, consultants will issue Response Action Outcomes certifying the work meets all applicable laws and regulations. The DEP will have the ability to invalidate this certification if it deems the work does not protect public health and the environment.

A few critics contend that this strategy will shift the responsibility for site cleanups to consultants. This is not the case.

In fact, DEP will gain much better control over consultants who have long been working on contaminated site cases anyway. The reforms will result in a much more sensible way to use the services of professional consultants while managing DEP's resources more efficiently.

DEP staff will continue to be involved in all cases. But since the DEP won't be micromanaging every aspect of every case, the agency will be able to focus more resources on the largest and most complex cases and those with the greatest economic potential.

Throughout the process, the DEP will screen documents and look for indicators that could trigger higher levels of review or audits. The DEP will also provide expanded oversight for the highest priority cases, whether the site poses particular ecological threats or the person conducting the remediation has a history of noncompliance. In addition, the DEP will require enhanced cleanup strategies when the property's end use involves residential units, schools or child-care facilities.

As we move ahead, we remain committed to the highest cleanup standards and will not compromise our core mission of protecting health and the environment.

We will construct a more effective system that better balances the goals of economic growth and environmental protection. It will benefit sites recognized as having untapped redevelopment potential as well as those that have simply taken too long to clean up.

And once the program is established, New Jersey can proudly reclaim its position as a national leader in the cleanup of contaminated sites. ❖

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