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Voice of the Bar

## Editorial on Revamped Remediation Rule Got It Wrong

John Oberer, New Jersey Law Journal

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The editorial, "Revamped Remediation Rule Yields Absurd Result" (Jan. 9, 2017) misreads the impact of a recent appellate decision. In fact, the New Jersey Department of Environmental Protection (DEP), four licensed site remediation professionals (LSRPs), and two courts all agree the law was correctly applied.

The Site Remediation Reform Act (SRRA) created LSRPs as the state's certified specialists to oversee remediation and guide companies through the state's regulatory requirements. After rigorous examination, the state gives LSRPs the authority to issue a response action outcome (RAO) when a site, according to their scientific expertise and professional judgment, is in environmental compliance. The DEP retains oversight.

In this case, four LSRPs all said they needed more information before an RAO could be issued. It had been 11 years since the DEP last reviewed the record of the site. With evolved science, environmental standards and guidance changed over that time.

SRRA gives LSRPs responsibilities to the public and their clients. It vests LSRPs with the right to seek more information before issuing an RAO when warranted. The facts here are as clear as the conclusions of the four LSRPs. Not only were they within their rights to seek more information, but they were justified in doing so.

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