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By Alfred Moffit, Environmental Waste Management Associates, LLC **A success story: NJDEP Cleanup Star program and its new spin-off program**

The New Jersey Department of Environmental Protection (NJDEP) began the Cleanup Star Program in February 2004 to expedite environmental investigations and cleanups at low-risk sites, and has succeeded in this program over the past three years. The Cleanup Star Program allows certified environmental professionals/consultants to investigate and remediate specific qualifying sites and Areas of Concern (AOCs) with limited NJDEP oversight. This allows the NJDEP case managers to not only focus on the more contaminated and complex sites, but also permits the slightly contaminated properties to move quickly through the DEP remedial process. As part of the Cleanup Star Program, the NJDEP has strict standards for the environmental professionals who are allowed to participate in this program. This ensures that the investigation and/or remediation of a site is completed in full compliance with the Technical Requirements for Site Remediation (TRSR), N.J.A.C. 7:26E.

Currently, the NJDEP case managers reviewing reports



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on contaminated sites have a backlog of hundreds cases each which translates into a review time of typically six months or more. For sites which require a quick review and turn around time, possibly due to a real estate transaction, the NJDEP Cleanup Star Program typically issues a no further action (NFA) letter within ten days of receipt of the appropriate report, provided all of the work is conducted in accordance with the TRSR.

Atypical example of a Cleanup Star site is an unregulated, leaking, heating oil underground storage tank (UST) that was recently removed in Middlesex County. This UST,

a 1,000-gallon #2 fuel oil tank, was thought to be abandoned at the site. During its removal as part of a redevelopment of the site, contamination was identified in the soils around the UST. Soil borings were installed to determine the extent of the soil contamination. The borings showed the soil contamination was limited to an area immediately around and below the UST. Soil excavation activities removed the contaminated soils and post-excavation soil samples confirmed the complete removal of the impacted soil. This information was submitted to the NJDEP under the Cleanup Star Program and subsequently received an NFA letter within 10 days.

Another example is a site in Monmouth County that was under NJDEP oversight for years due to the investigation and remediation of various regulated USTs. During an assessment of other AOCs at the property, a former storage area was investigated, and contamination was identified. NFA had been obtained for the other AOCs, and the only remaining issue at the site was this former storage area. Investigation activities

determined the extent of the soil contamination at this AOC, and the small area of impacted soil was excavated and taken off-site for disposal. Information relating to the investigation and remediation of this AOC was submitted to the NJDEP under the Cleanup Star Program and the NFA letter for this AOC was issued within 10 days. This allowed the existing NJDEP case manager to issue the NFA letter for the entire site, as this was the only AOC remaining.

The NJDEP has recently implemented The Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10B-21 requiring contractors performing work on unregulated tanks be certified. As of November 30, 2007, any work performed on unregulated heating oil underground storage tanks (USTs) must be submitted under this program, rather than the Cleanup Star Program, provided that certain requirements are met. This new program has the same benefits as the Cleanup Star Program but the universe of cases is much more now. A key difference between this program and

the Cleanup Star Program is the ability to submit to the NJDEP sites which have ground water contamination, provided that ground water has not migrated off-site, and the contamination is fully delineated and remediated. Other conditions could eliminate heating soil tank sites from this program such as vapor intrusion investigation triggers or Immediate Environmental Concern (IEC) conditions, but this is another step the NJDEP is taking in order to quickly turn around reports and which frees NJDEP case managers to focus on more extensive environmentally impacted sites. The combination of the Cleanup Star Program and the new unregulated UST program allows consultants and their clients the opportunity to get NJDEP sign-off in an expedited time frame.

If you would like to know if your property qualifies for Cleanup Star **Alfred Moffit is with EWMA's headquarters office in Parsippany, NJ. He specializes in environmental assessments and remediation and is NJDEP Cleanup Star Certified. ■**