

DEP Announces New Office of Dispute Resolution

Posted at 8:20 AM on September 28, 2010 by David P. Steinberger

On September 27, 2010, New Jersey Department of Environmental Protection Commissioner Bob Martin announced the opening of the DEP Office of Dispute Resolution. Commissioner Martin stated that “The Office of Dispute Resolution will play a key role in achieving our goal of breaking down the barriers that have often existed between the DEP and businesses, individuals and local governments.” But the Commissioner warned that “In finding common ground, however, we will not compromise protection of the environment.”

The types of issues which will be appropriate for the dispute resolution process would include, for instance, (a) disputes with the site remediation staff regarding the requirements associated with site cleanups, (b) disputes with the land use permitting staff regarding the issuance of environmental land use permits such as wetland permits and (c) disputes with DEP’s enforcement staff regarding the reasonable amount of penalties, if any, for alleged violations of environmental law.

The alternative dispute resolution process, to be facilitated by the Office of Dispute Resolution, is designed to reduce litigation costs, save time and allow the parties to participate directly in reaching a mutually agreeable resolution of disputes with the DEP. The Office of Dispute Resolution has identified its goals as follows: “define and clarify issues disputed; facilitate communication between regulated parties and DEP staff; encourage collaborative problem-solving; explore options for resolution to the issues; and promote and document a mutually

satisfactory agreement.” By participating in the alternative dispute resolution process, parties should be in a position to negotiate with the DEP and reach a resolution of open issues through an expedited process.

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