

# **New Jersey Licensed Site Remediation Professionals (LSRPs) Must Be Hired For All Environmental Remediation Work In New Jersey**

by John M. Scagnelli on February 7, 2012

Effective May 7, 2012, [New Jersey State](#) law requires that a [New Jersey Licensed Site Remediation Professional \(LSRP\)](#) be hired to conduct all environmental remediation work in the State of New Jersey, for both new and existing cases.

This means that private parties conducting environmental remediation in the State will no longer be able to conduct environmental remediation under the direct oversight of the [New Jersey Department of Environmental Protection](#) (NJDEP) staff, except in limited circumstances.

Further, in connection with this change, beginning on May 7, 2012, NJDEP will no longer issue [No Further Action \(NFA\) Letters](#) confirming the completion of environmental remediation, even for existing cases. After that date, the completion of environmental remediation cases will be confirmed by the issuance of [Remedial Action Outcome \(RAO\)](#) Approvals issued by the LSRP conducting the remediation case. The RAO approvals issued by the LSRP, however, are subject to NJDEP audit and reopening within three (3) years after they are issued.

NJDEP has advised that there are in excess of 7,500 existing remediation cases for which an LSRP will need to be hired by May 7, 2012. NJDEP has advised that it is gearing up for enforcement actions against private parties who do not hire LSRPs for environmental remediation and who do not observe other New Jersey statutory environmental remediation requirements, such as environmental reporting obligations and mandatory environmental clean-up time frames.

The New Jersey statutory requirement that a New Jersey LSRP be hired to conduct all environmental remediation work in the State, the discontinuance of NJDEP No Further Action (NFA) Letters and their replacement by Remedial Action Outcome (RAO) Approvals issued by the LSRP, subject to an NJDEP audit and a three year reopener, significantly affect how environmental remediation cases need to be handled and will require changes to the standard environmental provisions contained in many real estate and corporate agreements.

It is important that you review all of your real estate and corporate agreements to make certain that they contain legal provisions which comply with the new LSRP requirements and the New Jersey statutory environmental remediation requirements, such as

environmental reporting obligations and mandatory environmental clean-up time frames. We strongly suggest that you conduct a [strategic environmental legal review](#) of your real estate and corporate agreements in light of these new requirements.