



New Jersey's Rule Governing Notification And Public Outreach

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Changes To Site Remediation Program

- NJAC 7:26E-1.4
- Proposed August 2007
- Adopted September 2008
- Aims For “Proactive Approach” And “Two-way Communication” In Response To “Public Needs”
- Anticipates Further Legislation (S-1897)

Adds Process But Does Not Alter Result

- Remedial Investigations Are Still Governed By Tech Regs
- Remedy Selection Made By Responsible Party Based Upon Effectiveness (at least pending adoption or amendment of S-1897)
- Increased Notification Of Local Officials
- Unclear How Proposed Two-way Communication With General Public Will Promote Faster Clean-ups

Basis For Present Rule Proposal

- Legislative Instructions (2006)
- Vapor Intrusion Guidance (October 2005)
- DEP Task Force (September 2005)
- DEP “Bias” For Action
- Untested Belief That Both Public Officials And Neighbors Need To Know

New Elements to Site Remediation Program

- Sensitive Population And Resource Checklist
- Signs
- Notification Letters
- Fact Sheets
- Substantial Public Interest
- Office Of Community Relations

Sensitive Population And Resource Assessment

- Mandatory Assessment Applies To Sensitive Populations Within 200 ft Of The Property Boundary (not the limit of contamination)
- Due 14 Days Prior To Initiation Of Any Field Activities
- Must Be Sent To DEP; OCR; Municipal Clerk And Municipal Health Official
- Some Categories Are Logical – Residences; Potable Wells; Schools, Playgrounds or Day Care Centers
- Other “Sensitive Populations” Less Apparent: Environmental Justice Petitions and Surface Waters

Notice Requirements

- Signs
- Notification Letters – Owners/Residents Within 200 ft.
- Letters Due At Start Of RI; Start Of RA
- Letters Must Be Updated Every 2 Years
- Notice (signs or letters) English Plus Other Appropriate Language

Off-Site Contamination

- Fact Sheet
- Display Advertisement In Local Newspapers
- Distributed By Mail
- Due Within 2 Weeks After Discovery Of Off-site Contamination
- Updated Upon Completion Of RI And RA
- Dealing With Historic Fill Continues To Present Ambiguity

Significant Public Interest

- Triggers Additional Undefined Requirements: Public Information Sessions; Web Based Repository And/Or More Publication
- Can Be Triggered By A Single Municipal Official
- Petition From 25 Or More Local Residents
- DEP

Possible Problem Areas

- Owners vs. Responsible Parties
- Signs – Local Regulation
- Potential To Chill Voluntary Clean-ups
- Further Disincentive To Urban Re-development
- Alternative Proposals
- Conclusion - Short Term Delay, Confusion, Expense
- Long Term - Formal Web Based Public Notification (maintained by public/private resources)