

NEW JERSEY BROWNFIELDS

LSRP/Regulatory Overview

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Presented to
ANJEC

Date
November 10, 2026

WHAT WE WILL COVER

- Regulatory Context
- Role of an LSRP
- Steps to the Remediation Process
- Investigation --> Remediation
- RAO 101
- Questions

NJ BROWNFIELD AND CONTAMINATED SITE REMEDIATION ACT N.J.S.A. 58:10B-1 ET SEQ.)

Key Provisions

- **Remediation Requirements:** Sites must be cleaned up to meet risk-based standards
- **Liability Protection:** Developers/municipalities can obtain protection from future liability
- **Funding:** The Hazardous Discharge Site Remediation Fund (HDSRF) provides grants and low-interest loans for investigation, remediation, and redevelopment
- **Tax Incentives:** The Brownfield Reimbursement Fund can reimburse up to 75% of remediation costs for certain new taxes generated from brownfield projects
- **Assessment Support:** Municipalities can receive grants to perform assessments

Key Definition

“Brownfield site” means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

REGULATORY CONTEXT

Overview of SRRA



Contaminated Site Remediation & Redevelopment (CSRR)

•The **Site Remediation Reform Act (SRRA)** of 2009 changed how contaminated sites are cleaned up in NJ.

•It created the Licensed Site Remediation Profession (**LSRP) role**, allowing professionals to oversee remediation without NJDEP pre-approval.

•Since **May 7, 2012**, all parties performing remediation in NJ must retain an **LSRP**.

The LSRP model: professional judgment is critical

Most remediation proceeds without waiting for NJDEP pre-approval, except permit approvals or special cases.

Person responsible for conducting remediation

- Retains the LSRP
- Funds and completes the work
- Meets regulatory and mandatory timeframes

Licensed Site Remediation Professional

- Directs and certifies technical work
- Applies guidance to evaluate and design remedial plans to address contamination
- Uses independent professional judgment
- Issues the RAO

NJDEP

- Sets standards, rules, and timeframes
- Receives and audits milestone submissions
- Issues permits and may audit or enforce
- May invalidate an unprotective RAO

The LSRP's highest priority is protection of public health, safety, and the environment.

New Jersey remediation process

Each phase answers a different decision question



1 Preliminary Assessment (PA)

What may have happened here?

Review site history and identify areas of concern.



2 Site Investigation (SI)

Is contamination present?

Sample to confirm whether a discharge exists.



3 Remedial Investigation (RI)

What is the nature and extent?

Define sources, pathways, receptors, and establish multiple lines of evidence to confirm the limits.



4 Remedial Action (RA)

How will it be addressed?

Remove, treat, contain, control, and monitor.



5 Response Action Outcome (RAO)

Is the defined scope complete?

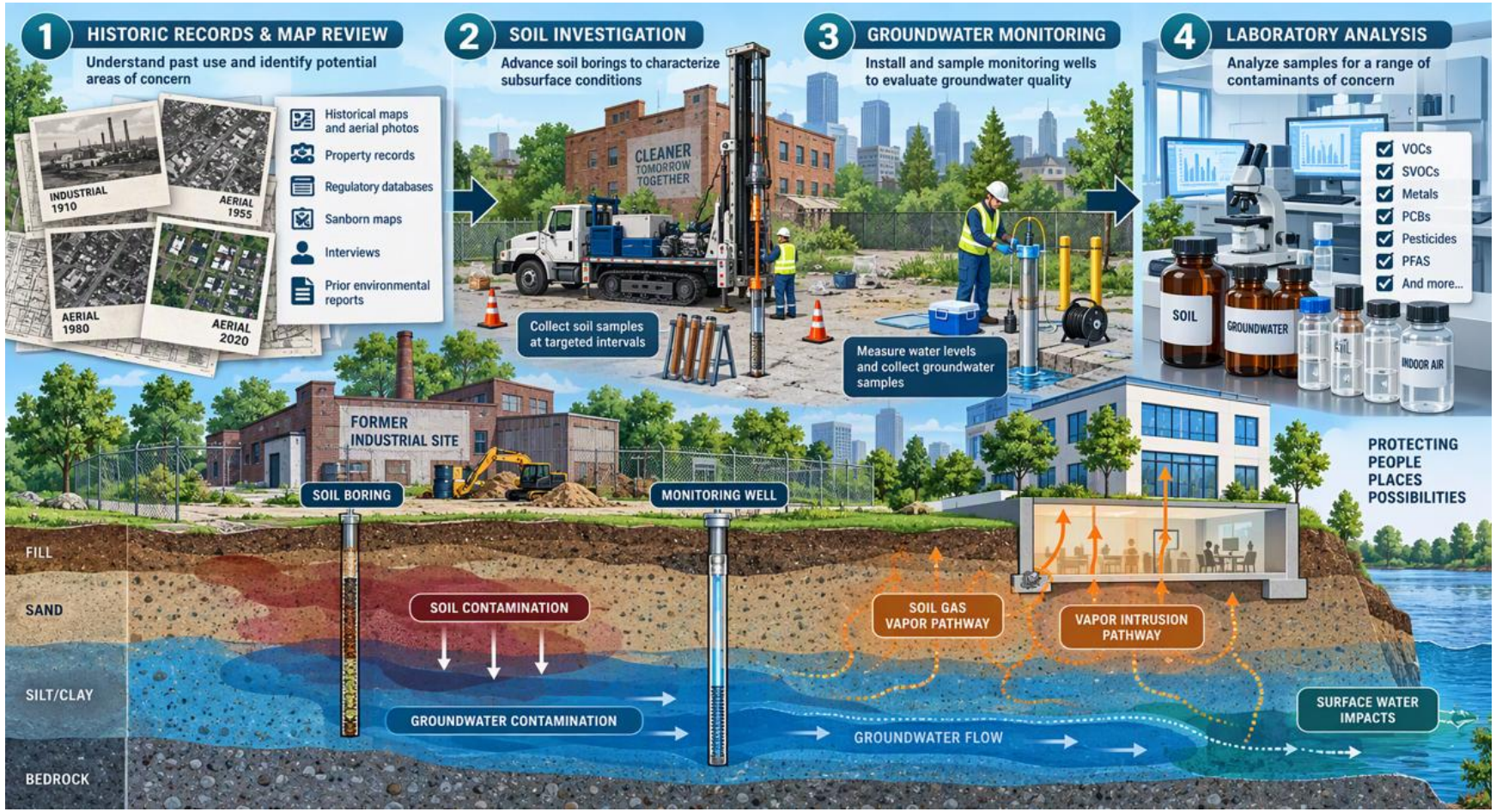
LSRP documents completion and any continuing obligations.

The process is intended to proceed in a linear, step-like fashion.

At times, it may not, as new data or new circumstances may require additional investigation or a revised remedy.

INVESTIGATION GOAL – REMOVE UNCERTAINTY

Gather reliable information to make productive and protective decisions.



- **Sources**
- Where did contamination originate?
- **Pathways**
- How/where is it moving?
- **Receptors**
- Who or what is at risk?

REMEDIATION IS SELECTED TO FIT THE SITE AND THE REUSE

Often the best remedy combines several tools

REMOVE

- Excavate impacted soil
- Remove tanks or product
- Dispose off-site or reuse

TREAT

- Treat soil or groundwater in place
- Biological or chemical treatment
- Sporadic or continuous

CONTAIN

- Cap or pave impacted soil
- Install barriers
- Control migration

PROTECT & MONITOR

- Vapor mitigation
- Engineering and institutional controls
- Long-term monitoring and maintenance

- **Selection factors:** protectiveness • contaminant type • geology • future use • constructability • cost • schedule • community impacts

WHAT “CLOSURE” MEANS: THE RESPONSE ACTION OUTCOME

An RAO is an LSRP-issued determination for a defined scope

- **RAO (Response Action Outcome):** documents that applicable remediation requirements have been completed for the identified site, area of concern, or media.
- **Unrestricted use:** standards are met without relying on controls for the addressed scope.
- **Restricted use:** residual contamination may remain with appropriate controls and obligations.
- **Continuing obligations:** maintain caps, remediation systems, meet permit requirements for monitoring; ongoing certifications as applicable.
- **Defined scope:** an RAO may address a site, specific areas of concern, or specific media.
- **A PRCR must understand the scope of an RAO.**



Bayfront Redevelopment Master Plan, Jersey City, NJ: a transit-oriented, mixed-income waterfront community
Image credit: Bayfront Jersey City (bayfront.us/master)

WHERE ENVIRONMENTAL COMMISSIONS COME IN

Support informed decisions

Planning Stages

- **Inventory & prioritize:** Which vacant or underused properties could be used to achieve community goals?
- **Ignite reuse and remedy:** Is the site a brownfield? Is a brownfield designation possible? How can we achieve that?

During Remediation/Redevelopment

- **Ask for plain-language updates from the LSRP:** What is known, what remains uncertain, and what is the next decision?
- **Strengthen engagement:** Who needs information, translation, access, or a meaningful opportunity to comment?

Consider the Future

- **Track stewardship:** Who will inspect, maintain, and certify remedial controls in the future? How will that be funded?



ANJEC award recognition, Middlesex Borough

Photo credit: Borough of Middlesex, NJ – middlesexboro-nj.gov/latest-news/tree-giveaway-project-receives-coveted-anjec-award

KEY TAKEAWAYS

- **Brownfield + redevelopment**

  Known or suspected contamination plus vacancy or underuse.

- **LSRP leads the technical process – find a good one!**

  NJDEP remains the regulator and oversees compliance.

- **Investigation reduces uncertainty**

  A defensible conceptual site model connects sources, pathways, and receptors.

- **Remedies can include controls**

  Closure may carry continuing obligations that need long-term stewardship.

- **Municipal voices can drive reuse**

  Environmental commissions help connect cleanup, reuse, and foster achievement of community priorities.



Image credit: NJDEP Office of Brownfields; Camden Waterfront (storymaps.arcgis.com/stories/cdd413f4c7cb4814af8dc0776234d5a1)

Questions & Discussion Encouraged!

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REFERENCE MATERIALS

SUPPLEMENTAL EXAMPLE QUESTIONS FOR BROWNFIELD REDEVELOPMENT PLANNING

1. Are there any vacant/unused properties that may be impacting natural resources or water supply?
2. What is the planned reuse, and who could potentially be exposed during or following construction?
3. What do we know about past operations and potential areas of concern?
4. Has sampling defined the source, pathways, receptors, and limits of contamination?
5. Has sampling been completed recently, and was sampling designed to consider the proposed reuse?
6. If remediation was completed in the past, have results been compared to updated NJDEP standards?
7. What are our remedial alternatives for addressing contamination during redevelopment?
8. What are the anticipated costs and timelines for completing remediation?
9. Are there future maintenance costs and regulatory obligations to the selected remedy?
10. What can we do to ensure that a future operator or tenant upholds post-remediation requirements?

“BROWNFIELD” VS. NJDEP REGULATORY CASE DESIGNATIONS

Term	What it represents	What it does not represent
Brownfield under New Jersey law	A current or former commercial or industrial site that is vacant or underutilized AND has a known or suspected discharge of a contaminant.	A contaminated site must be remediated regardless of whether it is designated a brownfield or not.
Known Contaminated Sites (KCS)	Sites with confirmed contamination. Samples collected and tested show chemical concentrations exceeding applicable standards. The data encompass cases at different stages and levels of complexity.	Not a complete brownfield inventory; suspected-but-unconfirmed brownfields may not appear, and many listed sites are not redevelopment candidates.
Active KCS	A site with one or more active cases or remedial-action permits where contamination has been confirmed, and the remediation process is ongoing.	Does not necessarily mean uncontrolled exposure or that no remedy has been implemented.
Pending Site	A site with at least one pending case, no active cases, and no approved remedial-action permits.	An environmental case known to NJDEP where investigation, remediation, or regulatory closure remains outstanding.
Closed Site	A site with one or more closed regulatory cases and no active or pending cases; this category excludes sites with remedial-action permits or ongoing remedial obligations.	“Closed” refers to the regulatory status of the site and should not be assumed to mean the property was redeveloped or is being reused. Sites previously closed may still contain uninvestigated or unremedied conditions.
NJDEP **Brownfield Inventory** layer	A vetted subset of the KCSL that NJDEP evaluates sporadically and determines to meet the definition of a brownfield in NJ.	It is not represented as an always up to date or complete listing of all existing brownfield sites in NJ.
Brownfield Development Area (BDA)	A large tract of land containing multiple nearby brownfields, being addressed through municipal, community, and NJDEP collaboration.	Not an individual-site or a site-specific tracking mechanism.