

NJDEP's New Remedial Priority Scoring System

What's Your Number?

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The New Jersey Department of Environmental Protection (NJDEP) has prepared a system to score and rank contaminated properties, as required by the Site Remediation Reform Act.

In the coming days and weeks, NJDEP will be issuing letters to parties whose properties have been scored and ranked. Under this system, known as the Remedial Priority Scoring System, scores range from 1 to 5, with 5 representing the highest level of risk. The scores will be used by NJDEP in determining whether the cleanup of a site should be subject to direct NJDEP oversight, which has various burdensome requirements, or whether a cleanup can proceed in accordance with normal protocol under the Licensed Site Remediation Professional (LSRP) program.

Scoring is based on the following conditions:

1. The level of risk posed to public health, safety and environment;
2. The length of time the site has been undergoing remediation;
3. The economic impact of the site on the municipality and neighboring properties; and
4. Any other factors deemed relevant by NJDEP.

In assigning scores, NJDEP has created an equation that will take into account site-specific information, such as recent sampling results, and regional information, such as the proximity to water bodies and potable wells. It should be noted that the information used by NJDEP will be derived solely from electronic databases maintained by NJDEP, which, based on past experience, creates the potential for erroneous assessments as these databases may not contain the most accurate and current information.

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NJDEP has advised that parties will have at least 60 days to respond to the score assessments, but will be limited to one response only. Although it is NJDEP's goal to review and revise the scores on a periodic basis to account for updated site information, NJDEP has not yet determined the frequency of such reviews.

As required by statute, scores for each of NJDEP's approximately 12,000 active sites will be made available to the public on NJDEP's website. Buyers, lenders and insurers can be expected to review a property's score before proceeding with a transaction. As a result, the accuracy of a property's score is of paramount importance.

If you have any questions regarding the impact of a remedial priority score on your property or how to respond to a letter from NJDEP assessing a score for your site, please contact the attorneys in our **Environmental Department**:

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