

NJDEP Issues New Guidance for Contaminants of Emerging Concern

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On August 5, 2021, the New Jersey Department of Environmental Protection (DEP) issued new guidance on contaminants of emerging concern (CECs) such as per- and polyfluoroalkyl substances (PFAS). New Jersey's regulated community should be aware of this guidance, as it provides important information on addressing CECs and the applicable remediation timeframes for sites under the DEP's Site Remediation Program.

Included among the guidance documents issued by the DEP is a list of Frequently Asked Questions (FAQ), which instructs the regulated community on its obligations relative to CECs, including:

- reporting obligations;
- remediation obligations;
- when evaluations of CECs are to be conducted;
- methodology for analyzing for CECs;
- public notification requirements; and
- procedures for evaluating whether CECs are attributable to an off-site source.

The DEP also issued a guidance document explaining how remediation timeframes are affected when CECs are discovered at a site already undergoing a cleanup under the Site Remediation Program. The guidance document provides that the discovery of CECs at a site must be immediately reported. After reporting the CECs to the DEP, the party conducting the remediation may either:

- merge the CECs case into an existing Site Remediation Program case under the existing remediation timeframes; or
- create a separate CECs case with a new set of remediation timeframes.

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Additionally, the DEP's guidance document provides instructions on the issuance of Response Action Outcomes when an existing cleanup case is underway, and CECs are discovered.

Please contact the author of this Alert, **David C. Scott** | dscott@greenbaumlaw.com | 732.476.2626 with questions about the DEP's CEC-related guidance and any individual regulatory concerns you may have. Mr. Scott is a member of the firm's Environmental Department.