

New Jersey Department of Environmental Protection Implements Green, Sustainable, and Resilient Guidance for the Remediation of Contaminated Sites

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The New Jersey Department of Environmental Protection (DEP), through its Contaminated Site Remediation and Redevelopment (CSRR) program, recently published new **administrative guidance** to “formally encourage” the use of green and sustainable remediation (GSR) techniques at contaminated sites in New Jersey (Green Guidance). According to DEP, implementing GSR furthers the agency’s goals of addressing climate change and greenhouse gas emissions and promoting environmental justice, while further encouraging swift and efficient remediation.

In the Green Guidance, DEP explains that the aim of GSR is for responsible parties to consider all environmental impacts of site remediation and minimize those impacts through the use of site-specific products, processes, technologies, and procedures. To that end, the Green Guidance stipulates language to insert in CSRR contracts encouraging responsible parties and licensed site remediation professionals (LSRPs) to consider various GSR measures at contaminated sites, including:

- **Green Remediation:** Maximizing the net environmental benefit of a cleanup by reducing energy and water usage, promoting carbon neutrality and the reuse and recycling of industrial materials, and protecting and preserving land resources
- **Renewable Energy:** Utilizing all reasonably feasible renewable energy sources during construction-related activities
- **Resilience Measures:** Integrating climate change vulnerability assessments and adaptation measures into the remediation process
- **Extreme Heat Resilience:** Redeveloping brownfields in urban areas with cooling

- strategies such as green open space, green infrastructure, and tree canopy development
- **Clean Diesel:** Using the “cleanest” construction equipment and vehicles available, plus ensuring proper maintenance and minimizing idling

The Green Guidance also dips into the realm of environmental justice by encouraging responsible parties and LSRPs with sites in overburdened communities to develop an understanding of the site’s environmental stressors and to consider partnering with local stakeholders to better understand the remediation’s impact on that community.

Although the GSR standards in the Green Guidance are not mandatory (yet), DEP’s promulgation of the standards serves as another example of the agency’s increasing focus on climate change mitigation and environmental justice. Such considerations are making their way into all areas of site remediation, even absent enforceable requirements, and the agency is likely to continue implementing policies designed to further Gov. Phil Murphy’s **green policy agenda**. Responsible parties and their LSRPs should consider whether proactive implementation of GSR makes sense at their site, particularly when/if DEP starts to insert the standards into CSRR contracts or asks the parties about sustainable remediation. They should also closely monitor DEP regulations for implementation of enforceable GSR standards.

For more information on DEP’s Green Guidance, sustainable cleanups, and site remediation requirements in general, please contact the authors of this article.

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