

Township of Egg Harbor

3515 Bargaintown Road, Egg Harbor Township, New Jersey 08234 (609) 926-4000 www.ehtgov.org

February 22, 2019

via electronic mail opra+request-4214-e309cc5c@requests.opramachine.com

Dear Ms. Jessica Martin:

**Re: 21 Country Birch
Site Contamination Records/Environmental Investigation**

In response to your Government Records Request Form (s) dated February 22, 2019, (received by this office February 22, 2019), this letter shall advise you that the Office of the Township Clerk is the repository for many documents generated by the New Jersey Department of Environmental Protection (DEP) and documents required under the New Jersey Residential Off-Site Disclosure Act. A determination regarding what files may or may not be considered "of environmental concern" to your client(s) or any other party, cannot be made by this Office. The documents you seek are public record and are available for inspection during regular business hours (Monday through Friday 8:30 a.m. to 4:00 p.m.).

The following links may assist you in your research:

1. <http://www.aclink.org/PublicHealth/Environmental/environmental.asp>

The Environmental Health Unit is responsible for investigating and monitoring environmental health concerns in all Atlantic County municipalities except for Atlantic City (Atlantic City Health Department can be reached at 609-347-5671). Inspections and investigations performed by the Unit address the protection and prevention of environmental factors that may adversely impact human health or the ecological balances essential to sustained human health and environmental quality. This is accomplished through assessing, correcting, controlling and preventing those factors in the environment that can potentially adversely affect the health of the residents of Atlantic County.

2. <http://www.state.nj.us/dep/srp/>

Site Remediation Program

May 7, 2012 is the day on which the phase-in period for implementing the [Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.](#) (SRRRA), and related amendments to the [Brownfield and Contaminated Sites Act](#) (Brownfield Act), the [Spill Compensation and Control Act](#), and the [Industrial Site Recovery Act](#) ended.

As of May 7, 2012, with limited exceptions, all remediations in the State of New Jersey, without regard to when remediation was initiated, are to proceed under the supervision of a Licensed Site Remediation Professional (LSRP), without New Jersey Department of Environmental Protection (Department) approval following the nine requirements set forth at [N.J.S.A. 58:10B-1.3b\(1\) through \(9\)](#).

The goal is to increase the pace of remediation, thus helping to decrease the threat of contamination to public health and safety and of the environment, and to quickly return underutilized properties to productive use.

Key provisions of SRRRA and related amendments:

- Establishes the [Site Remediation Professional Licensing Board](#) (Board) and the LSRP program. The Board issues licenses to qualified individuals (LSRPs), who conduct the remediation of sites in New Jersey. Every LSRP is bound by a strict [code of ethics](#), violation of which could result in the assessment of penalties and the suspension or revocation of the LSRP's license.
- Sets forth the [affirmative obligation](#) of every person responsible for conducting remediation to remediate any discharge for which they would be liable pursuant to the Spill Compensation and
- Control Act. Note that the voluntary cleanup program under Memoranda of Agreement (MOAs) [no longer exists](#).
- Requires the Department to establish mandatory remediation timeframes for the completion of key phases of site remediation. These mandatory timeframes are codified in the [Administrative Requirements for the Remediation of Contaminated Sites](#) (ARRCS) at N.J.A.C. 7:26C-3.3.
- Sets forth the circumstances under which the Department shall undertake direct oversight (see N.J.S.A. 58:10C-27a), and may undertake direct oversight (see N.J.S.A. 58:10C-27b) of a remediation. Under direct oversight, the

person responsible for conducting the remediation loses much control over remediation decision-making; the Department may guide the remediation, select the remedy and require the person to establish a Remediation Trust Fund to pay for the remedial approach directed by the Department. Requirements regarding direct DEP oversight are codified in the [ARRCS](#) at N.J.A.C. 7:26C-14. Additional information regarding direct oversight is available [here](#).

- Requires the Department to establish presumptive remedies for residential development, schools and childcare facilities to ensure that the remedy implemented at the site is protective of human health and safety and of the environment. Requirements regarding presumptive remedies are codified in the [Technical Requirements for Site Remediation](#) (Technical Requirements) at N.J.A.C. 7:26E-5.3. Additional information regarding presumptive remedies is available [here](#).

The phase in period and beyond:

[SRRRA](#) and the related amendments to the [Brownfield Act](#) required the Department to phase in implementation of the use of LSRPs by remediating parties. This phase in period ended on May 7, 2012.

- All parties who initiated remediation after November 3, 2009 were required to follow [N.J.S.A. 58:10B-1.3b\(1\) through \(9\)](#), including the requirement to hire an LSRP to oversee the remediation, and the requirement to remediate the site without prior NJDEP approval.
- The option afforded to parties who initiated remediation prior to November 3, 2009, which was to either continue to remediate their site under the traditional remediation paradigm of NJDEP oversight and approval, or to "opt-in" to the LSRP remediation paradigm, ended on May 7, 2012.
- All parties remediating sites on or after May 7, 2012 must follow [N.J.S.A. 58:10B-1.3b\(1\) through \(9\)](#), irrespective of when they initiated remediation.

The LSRP program does not apply to certain types of remediation, including the remediation of a discharge from an unregulated heating oil tank that is specifically exempted by [SRRRA](#), and certain Federal-lead cases (RCRA, CERCLA, Department of Defense, Department of Energy), Department publicly funded cases, and landfill cases that remain under the oversight of the Department's Solid Waste program. Additional information regarding Federal-lead cases is available [here](#).

Also effective on May 7, 2012 is the adoption of amendments to several Site Remediation Program rules, including [ARRCS](#), the [Underground Storage Tank](#) rules, the [Industrial Site Recovery Act Rules](#), and the [Remediation Standards](#), and the repeal and replacement of the [Technical Requirements](#). A copy of the complete adoption document is available [here](#).

Your request has also been forwarded onto the Fire Official and Construction Official who will respond to you directly with any records they may have available.

Sincerely,



Eileen M. Tedesco, RMC
Township Clerk