Remediation of Contaminated Properties

In New Jersey, the remediation of contaminated properties is governed by stringent state laws, most notably the Spill Compensation and Control Act, the Industrial Site Recovery Act (ISRA), the Brownfield and Contaminated Site Remediation Act, and the Underground Storage of Hazardous Substances Act. Furthermore, the Site Remediation Reform Act (SRRA) and its accompanying regulations mandate that most remediation activities be overseen by a Licensed Site Remediation Professional (LSRP). Greenbaum's market-leading environmental law practice supports clients through every stage of the often-intricate environmental remediation process, from initial discovery to regulatory closure. Our goal is to help clients achieve complete and compliant cleanups in the most efficient and cost-effective manner possible, allowing for the productive use or reuse of their properties.

Our legal services related to remediation projects involving contaminated properties are broad-based and comprehensive. The firm's environmental team advises clients on their immediate obligations upon discovering a discharge or contamination, including mandatory reporting to the New Jersey Department of Environmental Protection (NJDEP) and adherence to strict regulatory timeframes for responding to Immediate Environmental Concerns (IECs) such as potable water impacts or vapor intrusion. We assist clients in retaining qualified LSRPs and provide legal guidance throughout the remediation process to ensure regulatory compliance. We provide counsel on the scope and execution of site investigations to assist with identifying the nature, extent, and source of contamination in soil, groundwater, and soil vapor in compliance with the NJDEP's "Technical Requirements for Site Remediation."

Once contamination is identified, we work with clients and various environmental professionals to evaluate and select appropriate remedial action strategies for contaminated media, such as soil or groundwater, including the use of institutional controls or engineering controls. We oversee the preparation and submission of all required regulatory filings and approvals, including Remedial Investigation Reports, Remedial Action Workplans, and Remedial Action Reports. We facilitate the issuance of Response Action Outcomes from LSRPs, which certifies that the site has been remediated in accordance with all applicable rules and is protective of public health and the environment. For remedies involving engineering controls or institutional controls, we also assist with preparing Deed Notices, and securing and maintaining Remedial Action Permits, which contain requirements for ongoing monitoring and biennial certifications of protectiveness.

For those remedial activities that are required to post funding sources, we advise clients on the various options to meet New Jersey's requirement for a Remediation Funding Source or Financial Assurance. We also assist clients with managing their projects to meet the NJDEP's regulatory timeframes for the various stages of the remediation process, preventing potential enforcement actions or direct NJDEP oversight.

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Experience

Representative Matters

- Represented Federal Business Centers, Inc. in multiple complex acquisitions, dispositions, and financing transactions involving large-scale industrial and commercial properties throughout New Jersey, with aggregate transaction values exceeding $140 million. The firm's counsel has included a $49.75 million acquisition of a 12-building commercial complex structured as replacement property in a Section 1031 exchange; sales of contaminated and vacant industrial land involving ongoing remediation, post-closing access, and strict exchange timing requirements; and fixed-rate and construction financing transactions for major industrial facilities negotiated during volatile credit-market conditions. Additional work involved lease terminations, tenant estoppels and SNDAs, environmental risk allocation, demolition planning for redevelopment, resolution of pad-site and cell-tower lease issues, and coordination of lender, environmental, and insurance stakeholders.
- Represented an affiliate of a multi-generational family-owned real estate firm in the development and $83 million sale of two Class A multifamily buildings in Rahway, securing land use approvals, negotiating redevelopment and financial agreements, advising on environmental remediation, and managing complex regulatory, title, and permitting issues through closing.
- Represented a national real estate company on environmental aspects of property acquisition and redevelopment, including negotiations with redevelopment agencies, for a major, multi-parcel mixed-use redevelopment project in Jersey City involving complex remediation and land use considerations.
- Represented a leading real estate industry group in the development of its new headquarters, negotiating a redevelopment agreement with a local improvement authority and advising on land use approvals, tax incentives, environmental remediation, construction contracts, and site acquisition.
- Represented the New Jersey Schools Development Authority in long-running condemnation and environmental remediation litigation, securing recovery of more than $4 million in escrowed funds to reimburse cleanup costs incurred by the client.
- Representing Avery Dennison in addressing legacy environmental liabilities at a New Jersey manufacturing site, including multi-property groundwater contamination, allocation among potentially responsible parties, and emerging contaminants.
- Advising a California-based national logistics and e-commerce real estate developer on environmental, land use, real estate, and insurance matters related to large-scale redevelopment projects in New Jersey, including

the conversion of a former fossil-fuel power generation facility into a major distribution and logistics campus involving complex remediation, redevelopment, financing, and regulatory issues.

- Representing the country's largest ready-mix concrete supplier in environmental and ISRA compliance matters related to real estate and stock acquisitions in New Jersey, including oversight of remediation obligations for acquired properties.

Insights & More

Client Alerts

NJDEP's Newly Adopted Amendments to Ground Water Quality Standards Will Significantly Impact Ongoing Remediation Projects in New Jersey
2.14.25

EPA's Designation of Two "Forever Chemicals" as Hazardous Substances Brings Potential Impacts to Manufacturers, Commercial/Industrial Facilities & Property Owners
4.23.24

Proposed Amendments to Ground Water Quality Standards Could Significantly Impact Ongoing Remediation Projects in New Jersey
2.27.24

NJDEP Overhauls Remediation Standards for Contaminated Sites in New Jersey
6.07.21

NJDEP Announces Further Extension of Certain Remediation Timeframes Amidst Lingering Public Health Emergency
2.17.21

New Jersey DEP Proposes Significant Overhaul of Remediation Standards Required for Contaminated Sites
5.01.20