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THE ADMINISTRATIVE WATCH

ADMINISTRATIVE WATCH ADDRESSES ENVIRONMENTAL, HEALTH & SAFETY ISSUES

NEW JERSEY DEP CONTINUES “HOT PURSUIT” OF COMPANIES RESPONSIBLE FOR NATURAL RESOURCE DAMAGES (“NRD”)

As further evidence of his intent to pursue damages for industrial impacts to New Jersey’s rivers (first evidenced by the Spill Act Directive he issued last year with respect to the Passaic River), New Jersey Department of Environmental Protection (“NJDEP”) Commissioner Bradley Campbell announced last week an initiative which will require responsible parties at five contaminated sites along the Raritan River in New Jersey to undertake significant and costly cleanup activities to improve water quality of the river. According to the NJDEP, the Raritan River Initiative will focus on “contaminated sites where cleanup work to address both ongoing discharges and long-term remediation has lagged in recent years.”

While the Raritan River Initiative will not require the responsible parties to conduct a full assessment of the damages to the river caused by industrial activities, each responsible party will be required to take substantial and costly steps at the sites which they own to improve the water quality of the river. For example, the NJDEP has ordered one responsible company to install an interim groundwater collection treatment system this fall for arsenic to end discharges to surface water entering the river. Another responsible company is in the process of working with the NJDEP to implement a \$20,000,000 site-wide remedy, involving both capping and excavation, to address PCB discharges to the Raritan River. According to the NJDEP, if the responsible companies do not take the steps required to improve the water quality of the river within a specified timeframe, the companies will be subject to formal enforcement proceedings.

The Raritan River Initiative is one of several initiatives which will be launched by the NJDEP aimed at improving the water quality of New Jersey’s Rivers. According to the NJDEP, similar initiatives are currently being developed which will focus on the lower Delaware River and environmental justice communities. If you have specific questions about the Raritan River Initiative, please contact Brandon Coneby at 412-394-6965.

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