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NJDEP Issues Updated COVID-19 Related Site Remediation Guidance

April 22, 2020

On April 21, 2020, NJDEP issued guidance clarifying the impact of Executive Order 122 on site remediation projects. The Executive Order prohibited the continuation of certain "non-essential" construction projects after April 10, 2020.

- Construction- related site remediation projects are allowed to continue under the exceptions listed in Executive Order 122 if appropriate protection measures are taken. Exceptions are already allowed for any project that is ordered or contracted for by Federal, State, county or municipal government, or any project that must be completed to meet a deadline established by the Federal government; and/or any work on what is otherwise a non-essential construction project that is required to remediate a site.
- All remedial activities must be conducted in accordance with the social distancing directives set forth in Executive Order 107 and Executive Order 122 and all efforts should be made to minimize site activities and to protect staff, contractors, and the general public.
- The person responsible for conducting the remediation and the environmental professional involved in the remediation (such as a retained Licensed Site Remediation Professional or certified subsurface evaluator) should document all activities conducted during the remediation, including the details on how the remediation remains protective of public health, safety and the environment. Any variation or deviation from a rule or guidance should also be described and a thorough explanation, including scientific and technical rationale, provided.
- The NJDEP Guidance acknowledged that staffing determinations will differ on a case-by-case basis. Staggering construction activities, if possible, is a recommended method of minimizing exposure.
- Finally, NJDEP recommends that all persons engaged in remediation activities also refer to recently issued EPA guidance.

Copies of the Executive Order 122 and NJDEP's Guidance Document are available at:

https://nj.gov/infobank/eo/056murphy/pdf/EO-122.pdf

https://www.nj.gov/dep/srp/srra/listserv_archives/2020/20200421_srra.html

If you have any questions or concerns regarding any of these matters, please feel free to contact us.

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If you have questions feel free to contact Amie C. Kalac at (609) 279-0900 or via email at AKalac@cullenllp.com, Herbert B. Bennett at (609) 279-0900 or via email at HBennett@cullenllp.com or Neil Yoskin at (609) 279-0900 or

via email at NYoskin@cullenllp.com.

Practices

- Environmental

Attorneys

- Amie C. Kalac
- Neil Yoskin