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ENVIRONMENTAL REMEDIATION AMENDMENTS ADD COMPLIANCE LAYERS

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New Jersey owners and operators of commercial and industrial businesses, remediation professionals, and persons responsible for conducting remediation (PRCR) must be aware of the major changes to the New Jersey Department of Environmental Protection (NJDEP) remediation rules. These newly adopted amendments will substantially impact remediation, commercial, and industrial practices, as well as transform real estate and business transactions. These amendments make significant changes and include more regulatory hurdles to navigate.

The Site Remediation Reform Act (SRRA) was enacted to expedite the remediation process, but real-world implementation often left stakeholders stuck in a prolonged compliance quagmire. In an effort to alleviate these issues, on November 17, 2025, the NJDEP adopted amendments to SRRA 2.0, which amend the Industrial Site Recovery Act (ISRA) at N.J.A.C. 7:26B, the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C, the Technical Requirements for Site Remediation (Tech Regs) at N.J.A.C. 7:26E, and the Heating Oil Tank System Remediation Rules at N.J.A.C. 7:26F. These amendments are designed with an eye towards streamlining the remediation process and close loopholes with certain environmental concerns, but the implementation might result in far reaching concerns.

Among the changes of particular impact, the amendments will modify PRCR and LSRP's level of information sharing with the public. The amendments now mandate a PRCR respond to *any* inquiries received from the public, or which the NJDEP receives, within fourteen days (14) regarding site conditions, remediation activities, schedule for work, and information about contaminants of concern. Alternatively, the PRCR can use a NJDEP written status report form to meet this requirement. Enhanced information sharing and notification requirements are a theme throughout the amendments.

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Indoor Air was a big issue NJDEP addressed under the amendments. For example, Indoor Air Notification Areas will need to be identified, and separate Indoor Air Remedial Action Permits (RAP) are now required. Additionally, PRCR will need to notify the public that the air inside a building on a site is above applicable remediation standards and follow, among other things, strict monitoring and maintenance guidelines.

In what it views as a way to help streamline the process, NJDEP proposes a single RAP for all media -- soil, groundwater, and indoor air. NJDEP believes this will expedite permits, simplify the administrative process, and ensure that biennial protectiveness evaluation and annual fees will be on the same schedule. The amendments also set up an expedited process to obtain RAPs for certain narrow situations, including where the only issue is historic fill.

Significant changes were made to the funding requirements. NJDEP rules now allow the use of surety bonds as a remedial funding source and financial assurance. The amendments now confirm that small businesses are exempt from establishing a financial assurance regardless of whether they change location or if they choose to sell the property.

Lastly, the amendments include modifications to the NJDEP model deed notice and notice in lieu of deed notice, and additional ROA notices. The amendments also impose changes to the Tech Regs, including the requirements for alternative fill, and minor changes to ISRA and the Heating Oil Tank System Remediation Rules.

Whether ultimately positive or negative, these amendments represent the next phase of the ever-changing environmental compliance landscape. It is crucial that businesses, remediation professionals, and PRCP contact counsel to assist in navigating these amendments to ensure compliance.

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