



NJDEP Proposes Changes to Hazardous Substance Discharge Reporting Rules

Articles

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The New Jersey Department of Environmental Protection (NJDEP) has proposed a transformative rule change to hazardous substance discharge reporting requirements. The suggested amendments are intended to codify and implement the provisions enacted in the 2019 Site Remediation Reform Act (SRRA 2.0), as well as supplement various parts of New Jersey statutory law concerning the remediation of contaminated sites.

Attorneys, [Debra Rosen](#), [Charles Dennen](#) and [Thomas Tyrrell](#), authored the article, "NJDEP Proposes Changes to Hazardous Substance Discharge Reporting Rules," for *The Legal Intelligencer*, discussing the importance of the prospective adjustments, "This new rule ... if passed, will drastically change the way a party must respond to the discovery of a discharge of hazardous substances."

The new amendments would most notably affect discharge reporting during real estate environmental due diligence. Under the proposed rule, if any person, including a proposed buyer, discovers a discharge during the course of all appropriate inquiry, the person is obligated to report the discharge to both NJDEP and the record owner of the property. These proposed changes have caused concern among the regulated community, primarily in regard to the changes to hazardous substance discharge reporting. Members of the real estate community have expressed concern that these new reporting rules could stall future development.

A virtual hearing on these proposed changes was held on Nov. 21, 2024, in which members of the real estate community stated concerns about the new reporting requirements and requested more clarity be added to the rule if adopted. The period for submitting comments to the proposed rule has been extended through Jan. 31, 2025. If adopted, the rule would become effective in the following months.

To read the complete article, click [here](#).

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