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Update to Clients

Update

SAI to Host Delaware Nation's New Jersey Presence

Editorial

New Jersey's Licensed Site Remediation Professional Program

By Marwan M. Sadat, Ph.D., P.E.

The New Jersey Site Remediation Reform Act, which became effective on May 7, 2009, will significantly alter the way cleanups of contaminated sites are overseen by the NJDEP. The reform is a lifeline for the NJDEP, which has been struggling to keep up with a backlog of more than 20,000 cases of contaminated sites. The Site Remediation Program simply does not have the resources to keep up with existing cases and the ever-increasing number of new cases.

Letting contaminated sites remain idle for years because of the NJDEP's strained resources is not feasible. In addition to the continuing potential impact on health and the environment, the situation is also severely hampering redevelopment in our state. At a time of such economic uncertainty, our towns and cities need the progress and taxes that are intrinsic to the redevelopment process.

While the legislature's solution to the widening gap between closed and unaddressed cases may seem imperfect to many, it is indisputable that change was

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The Delaware Nation, a federally-recognized Native American tribe whose ancestors were the original people of New Jersey, announced on May 29th plans to return home to Trenton and pursue economic development opportunities in the capital city.

The Delaware Nation is known by many New Jerseyans as the Lenni Lenape Tribe, the original Native American population of New Jersey and the Delaware River Valley. After European settlers took over the land in New Jersey, the Tribe was displaced and joined with the Cherokee Tribe in an odyssey that took them through the southern states and eventually to Oklahoma where they have a small reservation today. While the Tribe only numbers about 1,400 people, it has a rich history and is eager to reconnect to its New Jersey and East Coast roots.

Kerry Holten, President of the Delaware Nation since 2006, and Trenton Mayor Douglas H. Palmer



At the signing ceremony: from left to right, Dennis Gonzalez, acting Business Administrator of the City of Trenton, Shelley Zeiger, President Kerry Holten, and SAI's Joe Wiley.



From left, Bart Standing Elk Cartwright, member of the Delaware Nation, President Kerry Holten, and Trenton Mayor Douglas H. Palmer.

signed a memorandum of understanding as a first step toward what the Tribe hopes will be a fresh connection with the region of its ancestors. The Tribe's home base in NJ will be part of Sadat's Lambert Road office overlooking the Delaware River.

According to Holten, the agreement with the City of Trenton sets in motion the Delaware Nation's goal to establish clean energy businesses in the city and create "green jobs" that will boost the local economy. "The economic downturn has essentially created a level playing field for our small emerging nation and combined with President Obama's clean energy initiatives has allowed the Delaware Nation to enter into clean energy businesses that create jobs for the community," said Holten, who described it as a "win-win" situation for the Tribe and Trenton.

Holten also said that the Tribe will pursue redevelopment opportunities at industrial sites and vacant

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SAI Continuing to Lead in Landfill Gas Remediation & Renewable Energy Projects

As a routine part of our work on landfill closures throughout the state of New Jersey, SAI has been working on landfill gas management systems for over ten years. In the past, “landfill gas management” meant finding a safe way to dispose of the small quantities of methane produced by landfills as their contents decompose. This was usually accomplished either by installing venting systems if buildings are erected on top of the closed landfill, or by using flares to burn off the excess gas. All of SAI’s landfill closure projects have involved some degree of gas venting/permitting work, including landfills in South Ocean, Galloway, North Wildwood, Bayonne, and Elizabeth. SAI continues to provide periodic monitoring and testing of gases being vented at these re-development projects as part of the post-remediation maintenance requirements for these sites.

Recently, however, SAI has had the opportunity to develop gas-to-energy systems in New Jersey for landfills where gas production was high enough to warrant designing and installing a system to collect the gas and sell it for energy production. Such systems are currently supplying up to 30 megawatts of electricity.

The concept of using landfill gas as an energy

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buildings in several sections of the city. When asked about the possibilities of casinos in the Trenton area being owned and operated by the Tribe, Mr. Holten responded that casinos “aren’t even on the radar screen.... Our future business models are based on diversified business opportunities with growth potential in the green alternative energy sector.”

When representatives of the Tribe first came back to New Jersey to explore opportunities, they were encouraged by Shelley Zeiger, a well known Trenton businessman who has made one of his missions the economic revival of the City of Trenton. Shelley is known as the entrepreneur who brought the Marriott Hotel to Trenton and has sponsored many interesting cultural and business activities in the city. When Dr. Sadat realized the Tribe was in need of office space,

source has been around for years, but it is just now beginning to attract attention as a viable source of alternative fuel. SAI is proud to be a part of this cutting-edge approach to using a “waste product” as an inexpensive and “green” source of energy.

SAI is providing design and permitting services to a number of major projects in NJ where landfill gas is collected and used for power generation. SAI is also assisting private energy companies in identifying and developing power projects to collect and use landfill gas for power production. In addition, SAI is assisting renewable energy firms in identifying landfill sites where solar photovoltaic cells can be installed atop closed landfills. The design of such systems requires careful consideration of future landfill settlement, protection of capping and gas collection systems, proper anchoring design for the new energy recovery installation, and proper design of a surface cover to replace vegetative cover with non-eroding clean material or a planting design that is compatible with the solar cell installation.

SAI welcomes suggestions from property owners interested in renewable energy installations, particularly for landfill gas and solar cells.

he suggested that the Tribe could take advantage of the Sadat location in order to establish their New Jersey office. SAI will be assisting the Tribe in evaluating and engineering brownfields sites to be redeveloped in the region.

When Kerry Holten visited our office, he was ecstatic with the view of the river named after his Tribe and noted that Duck Island, the location of our office, was once one of the key locations for Indian settlement since the river becomes tidal below Trenton and is surrounded by marsh land once rich in migratory birds and game animals. Sadat Associates, Inc. welcomes the Delaware Nation and Zeiger Enterprises in their effort to explore the renaissance of the Delaware Tribe in New Jersey.



This hotel, along with all the other commercial and retail facilities at the Jersey Gardens Mall, sits atop a landfill gas venting system like the one described at right.

Some FAQs about the new Licensed Site Professional Program

Governor Corzine signed the Site Remediation Reform Act (“SRRA,” N.J.S.A. 58:10C) on May 7, 2009. The SRRA creates a new paradigm where, in most cases, the Licensed Site Remediation Professional (“LSRP”) will have the responsibility of carrying out the investigation and remediation without direct oversight by NJDEP. The LSRP will also have the authority to issue the Remedial Action Outcome (“RAO”) – the new equivalent of a No Further Action / Covenant Not to Sue. The SRRA legislation was modelled after similar existing legislation in the state of Massachusetts, and was crafted to manage the many competing interests in redevelopment in New Jersey, including complex statutory and regulatory requirements. Here is a very brief discussion of where the State is going with this legislation, and what it means to SAI’s clients and partners.

Once fully enacted in November 2009, all Site Remediation Program documents will need to be signed by an LSRP. SAI will be in the forefront of the temporary LSRP licensing and eventual permanent licensing.

Rest assured that SAI’s senior project management staff easily meets the necessary experience qualifications for an LSRP. SAI has always been uniquely positioned to take advantage of our in-depth relationships with and knowledge of NJDEP’s Requirements. Moreover, SAI’s document control practices (specifically peer review of deliverables) have already been established.

When will my project be required to use the LSRP process?

After November 3, 2009, anyone initiating remediation will need a LSRP, and all documents submitted to NJDEP’s Site Remediation Program will require a LSRP. By May 2012, all cases will have to be transferred into the program. Regulated USTs will be included only in the LSRP program; however, unregulated USTs will remain in the existing U-HOT program.

What projects and reports will NJDEP review?

The level of review is still unclear, but some of the sites include: licensed child care centers, schools or other sensitive populations, environmental justice cases, and sites where state grants or loans are being utilized for remediation.

What sites will require direct oversight by NJDEP?

NJDEP will retain responsibility for direct oversight of chromate waste sites, sediments contaminated by PCBs, mercury, arsenic, or dioxin, multiple impacted sensitive receptors, or sites that fall into the highest remedial priority category.

How will relationships with NJDEP change?

While the LSRP may be viewed as an agent of NJDEP, SAI still sees our role primarily as an advocate for our clients. Because our reputation with NJDEP has always been strong, we have been able to obtain approvals through a collaborative effort. SAI will continue to seek consensus with NJDEP to ensure the success of the project.

What big changes does this mean for the voluntary site remediation program and brownfields redevelopment?

For applicable sites, the SRRA will significantly reduce the time from initiation of a project to issuance of a RAO. By taking the NJDEP out of the loop, so to speak, remediation projects can have a much shorter and more predictable time frame, which will save both time and money.

Will the RAO be recognized by lenders and insurance carriers?

Yes. The term RAO has been used specifically because of its recognition by major lenders, insurance carriers, and other stake holders.

How does this affect a potential purchaser and the innocent landowner defense?

This issue is still evolving and SAI is working to better position our clients to achieve their objectives.

Will the potential purchaser’s LSRP consultant have to report a discharge during due diligence?

No, this is a common misconception. A LSRP who has been retained by a potential purchaser during due diligence is specifically exempted from reporting a suspected or confirmed discharge. That responsibility remains with the owner and their LSRP. A LSRP, however, is required to report an Immediate Environmental Concern (“IEC”) for any site, as well as discharges for sites where they have notified NJDEP that they are the consultant of record on behalf of the owner.

Will the Cleanup Star or ISRA Expedited Review process be available to my project?

According to the program managers at NJDEP, the Cleanup Star program will be available through October 2009 for applicable sites. The ISRA Expedited Review process will remain in place for the time being for applicable cases.

What if my site is being re-mediated by someone else?

In theory, the SRRA and LSRP program should expedite the completion of remedial activities, which will benefit everyone involved. However, SAI recommends that clients carefully review their existing projects to ensure that remediation is being carried out in a manner that will satisfy your future requirements for the site.

Clearly, the impact of the SRRA is complex and far-reaching, and is beyond the scope of this article to summarize. If you have any questions regarding how the SRRA will impact your projects, please call Rodger Ferguson at SAI at (609) 826-9600 ext. 171, or by email at rferguson@sadat.com.

Welcome!

Ms. Kim joins SAI with a B.S. in Environmental Systems Engineering from Penn State University and a PhD in Environmental Science from Rutgers University. Her research was based on the fate and transport of pharmaceutical compounds in the environment. She is currently working on well rehabilitation and permitting issues for ILR.



Il Kim

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necessary. And change is what we have gotten. The end result has been a rather remarkable effort by the NJDEP, especially by Assistant Commissioner Irene Kropp, and the regulated community to develop the SRRA under which significant oversight of contaminated site cleanups will be transferred to private Licensed Site Remediation Professionals (LSRPs). The LSRPs will be responsible for certifying that the investigation and remediation of contaminated sites are completed properly and according to State regulations and standards.

Sadat Associates, Inc., is embracing the changes made by SRRA and is actively working towards bringing this change to our clients. We look forward to providing the Remedial Action Outcome on applicable projects using our decades of engineering and scientific expertise.

SAI's Trenton Capital Park Revitalization Project is Subject of Article in the Star-Ledger

Another of SAI's high-profile design projects has received press coverage recently. The Trenton Capital Parks System, was most recently highlighted in SAI's Summer 2008 newsletter. According to an article that appeared in the *New Jersey Star-Ledger* on February 10, 2009, "The heads of the state departments of transportation, environmental protection, treasury, and community affairs, the Capital City Redevelopment Corp. chair, County Executive

Brian Hughes and Mayor Douglas Palmer were among the officials who signed a memorandum of understanding on the Trenton Waterfront Revitalization Initiative."

The Capital City Redevelopment Corporation (CCRC) is a state agency in, but not of, the Department of Treasury. Created in 1988, the CCRC is charged with facilitating redevelopment in the Capital District of the City of Trenton. New Jersey has targeted the waterfront area of downtown Trenton, until recently a network of state worker parking lots and other state facilities, for redevelopment and restoration for at least 20 years. The goal of the CCRC is to turn Route 29 into a boulevard, expand waterfront access, and build a new neighborhood in this location, in the hopes of creating a "new village" in this picturesque and historic spot.

According to the *Star-Ledger*, the plan for reconfiguring this area "will be based on the city's Down-

town Master Plan released last year; the CCRC's 20-year-old Capital City Renaissance Plan; the U.S. Army Corps of Engineers' plan to restore Assunpink Creek; and state studies on turning Route 29 into a boulevard and building Capital State Park."

Once the CCRC receives the Final Feasibility Study from the DOT on this endeavor, they will begin to pursue funding sources. To help speed the project, Mayor Palmer has

requested the \$125 million required for the roadwork and surrounding development from the federal stimulus package.

SAI is assisting the nationally renowned landscape architecture firm of Wallace Roberts & Todd of Philadelphia in the design of a park to replace surface parking located between the State House and Route 29. WRT's park design includes plenty of walking trails and green spaces for residents and visitors alike to enjoy Trenton's unique history and culture.

SAI is responsible for a wide variety of tasks for the Trenton Capital Parks System, including testing and evaluation of potential soil contamination, site engineering, designing the relocation of Barracks Street, environmental permitting, an alternatives analysis for opening a buried stone arch drain structure, and designing hydraulic systems associated with the historical Petty's Run culvert.



Artist's rendering of a bird's eye view of the proposed Trenton Capitol Park. Courtesy of Wallace Roberts & Todd, LLC.

From the Editor -

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