September 3, 2025

New Jersey Department of Environmental Protection Update (New Soil and Soil Leachate Remediation Standards in Effect)

On August 4, the New Jersey Department of Environmental Protection (NJDEP) updated the soil and soil leachate remediation standards at N.J.A.C. 7:26D for the migration-to-groundwater pathway. These changes impact 52 contaminants and are intended to reflect the NJDEP's recently updated Ground Water Quality Standards (GWQS), which became effective on August 3.

The updated standards were issued through a Notice of Administrative Change process, rather than formal public notice and comment rulemaking procedures. Although this approach has been met with some criticism by stakeholders, existing regulations authorize NJDEP to use this informal administrative process to update soil and soil leachate remediation standards for the migration to groundwater exposure pathway based on updated GWQS.

Key Takeaways:

- The new soil and soil leachate remediation standards apply as of August 4, but there is a six-month phase-in period for which sites may be able to rely on the 2021 standards if a remedial action work plan or remedial action report is submitted to the NJDEP by February 4, 2026.
- For sites that have already submitted a remedial action work plan or remedial action report to the NJDEP, there are different phase-in periods that may allow continued reliance on older standards depending on when the report was submitted and the applicable standards in effect at that time.
- The standards for the five contaminants that have decreased by an order of magnitude (cobalt, cyanide, 1,3-dichlorobenzene, heptachlor epoxide and vinyl chloride) do not qualify for the phase-in provisions of the rule.
- Compliance with these more stringent standards could necessitate further investigations, including additional investigative requirements for groundwater.
- Parties conducting remediation should carefully review whether the new standards affect ongoing or planned projects.

Why This Matters:

For property owners, redevelopers and responsible parties, these updates could impact site investigation strategies, remedial action planning and redevelopment timelines. Projects already in progress should evaluate the standards that will be applicable to the site based on the various phase-in provisions and the additional work that may be required to comply with the updated standards.

Day Pitney's Environmental practice group is closely monitoring these regulatory changes and advising clients on their potential implications for active and planned remediation and redevelopment projects.

If you have questions about how the updated remediation standards may affect your site or redevelopment project, please contact a member of our Environmental practice group.

Authors

Todd W. Terhune
Partner

Parsippany, NJ | (973) 966-8040

tterhune@daypitney.com

Drew A. Levinson
Senior Associate

Parsippany, NJ | (973) 966-8051

dlevinson@daypitney.com

Jessica M. Laird
Associate

Parsippany, NJ | (973) 966-8100

jlaird@daypitney.com