



## **Taking a Smart Approach to Regrading or Importing Fill at Redevelopment Projects**

Regardless of the redevelopment project, too much – or not enough – fill at a property is among the costly issues facing commercial real estate developers today.

Real estate buyers, developers and contractors often find that site soils that were not an “area of concern” or “recognized environmental condition” in a Phase I Assessment – along with soils that tested “nonhazardous” for disposal purposes – will end up being “not clean enough” either to remain at a property or be imported from the off-site source within budget. When what seem to be simple testing results of site fill materials are generated, owners and developers also may discover that a Deed Notice or expensive offsite disposal is required. Other environmental rules could be triggered as well.

Atlantic Environmental Solutions Inc. (AESI) characterizes soils and fill material in accordance with applicable regulations, allowing for the reuse of site soils rather than disposing them offsite. This provides developers with a cost-effective method to address these “cut and fill” issues.

The New Jersey Department of Environmental Protection (DEP) has specific testing protocol to follow if a developer wants to confirm that existing on-site fill material is not contaminated. The testing parameters are comprehensive and sampling is required on a per-acre basis. Separately, the DEP recently published guidance and regulations regarding the importation of fill material onto properties regulated by the Site Remediation Program (SRP). The “*Fill Material Guidance for SRP Sites*” provides specific guidelines on the use of fill material with the goal of reducing the volume of soil disposed at landfills by allowing certain fill materials to be reused smartly.

*Alternative fill* (defined as fill that contains contaminants above the most stringent soil remediation standards) being imported to a property must be sampled at a higher frequency than when characterizing on-site existing materials. This protocol affects anyone who supplies fill to (donor sources) or receives fill at SRP sites, as well as site investigators including Licensed Site Remediation Professionals (LSRPs).

The DEP created these guidance documents to clarify the options for property owners. A certain number of samples need to be collected relative to the volume of soil being imported. The number of samples and type of analyses are different than those typically used to characterize soils for disposal purposes. With adequate testing results, an LSRP will certify the permissible importation of alternative fill to restore the pre-



remediation grade/topography and elevation. Additional, excess alternative fill can be imported after receiving DEP pre-approval.

AESI's in-depth knowledge of these rules and regulations is a key engineering advantage we offer to developer clients to help them manage this issue. With multiple LSRPs on staff, we have addressed 327 LSRP projects, ranking high among environmental firms statewide. In all cases, AESI ensures that the final remedial action is protective of human health and the environment. Additional information on the DEP guidelines can be found at:

[https://www.nj.gov/dep/srp/guidance/srra/fill\\_protocol.pdf?version\\_3\\_0](https://www.nj.gov/dep/srp/guidance/srra/fill_protocol.pdf?version_3_0)