



NJDEP Revises and Re-Proposes Requirement to Report Contamination Discovered During Real Property Due Diligence

Articles

01.29.2026

By: Debra S. Rosen, Daniel R. Farino, Charles J. Dennen

In this article for *The Legal Intelligencer*, partners [Debra Rosen](#), [Daniel Farino](#), and [Charles Dennen](#) examine NJDEP's revised and re-proposed rule addressing the reporting of environmental contamination discovered during real property due diligence in New Jersey. For decades, New Jersey law generally required only responsible parties, not prospective purchasers, to report known discharges, a framework that has long shaped environmental due diligence practices in real estate transactions.

They outline NJDEP's October 2024 proposed rule, which would have significantly altered this approach by requiring prospective buyers and their representatives to report contamination discovered during "all appropriate inquiry." That proposal generated widespread opposition from industry stakeholders and legislators, prompting NJDEP to withdraw and re-propose a revised rule in November 2025.

While the re-proposed rule shifts the reporting obligation to property owners rather than buyers, the article explains why the practical impact may be largely the same.

The article concludes by discussing the broader implications of the re-proposed rule, the concerns raised during the public comment period, and the uncertainty surrounding whether the new administration will adopt, further amend, or abandon the proposal altogether.

Click [here](#) to read the complete article.

Related People



Charles J. Dennen

Partner

✉ cdennen@archerlaw.com

☎ 856.673.3932



Daniel R. Farino

Partner

✉ dfarino@archerlaw.com

☎ 856.673.3906



Debra S. Rosen

Partner

✉ drosen@archerlaw.com

☎ 856.354.3084

© 2026 Archer & Greiner, P.C. All rights reserved.

