



Licensed Site Remediation Professionals Association

NJDEP Public Notification Training

January 24, 2013

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LSRP Continuing Education Requirements



36 Continuing Education Credits (CECs) over 3 year LSRP license renewal period:

Minimum no. of CECs must be satisfied in these categories:

- 3 CECs Ethics
- 10 CECs Regulatory
- 14 CECs Technical
- +9 CECs Discretionary

Board can require "CORE" courses

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Continuing Ed Credits (CECs)



- One CEC is equivalent to 1 hour of instruction from university, college, DEP, LSRPA & other professional organizations
- Conferences Conventions Workshops 1hr = ½CEC
 - Up to 8 CECs allowed within 3 year renewal cycle
 - Changes to this policy are up to discretion of LSRP Board
- Webinar and On-Line Courses: CEC is 1:1 but exam is required
- CECs available for presentations, publications but not 1:1 credit

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A Look Ahead for Continuing Ed in 2013




- **LSRPA Breakfast Roundtable**
 - February 26th 7:30 -10 am
 - Register on LSRPA.org (members only)
- Continue LSRP exam preparation courses (May 7th)
- Additional Business Practice Seminars
- Continue Assistance with Guidance Training
- Assist DEP w/ Practical Applications Course
- Ethics (modified)
- GIS Training
- Laboratory Analytical Process
- Technical Courses from NGWA, Battelle & Others

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Thank you for your support!

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Public Notification and Outreach

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Benefits of Community Outreach

- Effective Community Outreach
 - Builds trust and credibility with citizens and local officials for remediating party and LSRP
 - Helps prevent roadblocks
 - Assists in gaining access to off-site properties
 - AND...




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Public Notification & Outreach Requirements

- Required in Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C-1.7)
- Originally established in the Technical Requirements for Site Remediation in 2008
- Intended to keep the public and local officials informed
- Moved from Tech. Regs. to ARRCs Rules in 2012







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 **Exemptions**


The following case types are exempt from the requirement to post signs or send periodic notification letters


- Remediation of an unregulated heating oil tank (UHOT) system
- Emergency response action



 **Overarching Changes**


- Prescriptive requirements removed – **flexibility introduced**
- DEP will no longer have the most current site information in many cases
- LSRPs will be in best position to answer public inquiries
- Contractual/confidentiality issues must be resolved with RPs to be able to respond



 **Overarching Changes**


- Signs, notification letters and fact sheets must include contact information for the **remediating party** and the **LSRP**
- Notification signs, letters and fact sheets no longer should include contact information for DEP, Office of Community Relations









Time Frames


- Within 14 days prior to commencing field activities associated with the Remedial Action (currently) – **will change back to Remedial Investigation with rule amendment package**




- Letters must be sent; or 
- Sign must be posted; and
- Required documentation must be provided to clerk and health department(s) 


- Documentation must be submitted to DEP with the next applicable remedial phase report e.g., PA, SI, RA, RAO)






Sites with Off-Site Contamination

- Fact Sheet – prepare and distribute within 14 days of determining contamination migrated off-site
- Publish in newspaper within 30 days 
- Update, redistribute & republish within 90 days of completed delineation unless:
 - Contamination is limited to GW & CEA is established – follow notification requirements for CEA






Retail Service Station Policy


If a release is identified during a regulated UST closure, on-site repair or maintenance activities the following activities are immediately initiated in an efficient single phase:

- Removal of the tank(s) contents
- Excavating the tank system
- Identification of the contamination
- Removal of any associated fill material and contaminated soils

DEP does not require the activity to stop in order for the public notification requirements to be initiated.


DEP established a three week window for public notification and outreach activities to commence for discharges not already known






Public Inquiries
N.J.A.C. 7:26C-1.7(o)1

RP's are required to conduct additional public outreach if needed due to site-specific circumstances. (not new)







Public Inquiries
N.J.A.C. 7:26C-1.7(o)1

RP's must respond to inquiries (new)

- Received by the RP directly; or
- Received by the Department and referred to RP
 - Since the LSRP is often most familiar with current site conditions and the status of the remediation:
 - DEP will direct telephone inquiries to the LSRP
 - DEP will contact both the LSRP and the RP when a written inquiry is received from the public, media or elected official


Failure to conduct public outreach is a minor violation and can result in a base penalty of \$10,000 **to the RP**






Advice for Responding to Inquiries


- Recognize that subject matter is highly technical and specialized
- Do not use jargon
- OK to sacrifice some technical precision to be understandable
- Caller often does not know exactly what they want






Words of Advice


- Be professional but engage caller in dialogue
- Professional and Personable are not mutually exclusive
- OK to have a sense of humor/laugh
- Build rapport





Words of Advice

- The caller will expect that you know all the answers
- It is OK to say I don't know – I'll find out
- Respond promptly






Best Management Practices

Select staff that have the skill set/personality necessary to respond to inquiries:

- Patient
- Ability to summarize with little detail
- Friendly
- Superior phone etiquette
- Courteous





Resources

- Public Notification Guidance Page
http://www.nj.gov/dep/srp/guidance/public_notification/
- Public Notification Form
http://www.nj.gov/dep/srp/srra/forms/public_notification_form.pdf
- Guidance for Posting Signs
http://www.nj.gov/dep/srp/guidance/public_notification/signsguide.htm
- Guidance for Sending Notification Letters
http://www.nj.gov/dep/srp/guidance/public_notification/letters.htm
- Public Notification Guidance for Retail Gasoline Stations
http://www.nj.gov/dep/srp/guidance/public_notification/service_stations.htm





QUESTIONS?





Helpful Hints for Effective Community Outreach

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Most Common Community Outreach Initiatives


- Residential Sampling
- Public Meetings





Residential Sampling

- Potable well testing
- Vapor intrusion testing
- Soil and/or ground water testing






Residential Sampling Outreach Activities


- Arranging sampling appointments
- Collecting Samples
- Reporting Findings
- Facilitating Remedial Actions






Residential Sampling – Primary Concerns


- Possible health effects
- Property values
- Confidentiality/Stigma





Residential Sampling - Obtaining Access

- DEP can no longer help LSRPs obtain access to properties
- Property access template letters (optional) are on SRP's Vapor Intrusion web page at www.nj.gov/dep/srp/guidance/vaporintrusion/templates





Arranging Sampling Appointments

Step 1: Introductory Letter

- Send several weeks before the sampling event
- Explain reason for sampling and provide general information
- For rental properties, send to occupant and owner
- Give local health officer and town clerk a list of individuals contacted





Arranging Sampling Appointments

Step 2: Phone call (or e-mail) to occupant

- Give at least two weeks notice
- Be prepared to discuss sampling details and when they will get their results
- For vapor intrusion testing, review "Instructions for Occupants – Indoor Air Sampling"





Interacting with Owner/Tenant

- Someone should be available to answer the occupants' questions
- Defer to the property owner's wishes whenever possible






Reporting Sampling Results

Provide verbal notification if:

- Contaminants of concern are very high (more than 10x the standard or screening level)
- There are high levels of non-site related contaminants
- More than two months have elapsed since sampling occurred







**Written Notification
(Required by Tech Rule)**

Written notification must include:

- A cover letter that explains the findings in non-technical terms
- A table that clearly summarizes the analytical results
- Letters must go to:
 - Property Owner
 - Tenant
 - Local Health Officer







**Template Letters
(Optional)**

Template sampling results letters/tables are available on SRP's web page at:

Vapor Intrusion
www.nj.gov/dep/srp/guidance/vaporintrusion/templates

Potable Well
<http://www.nj.gov/dep/srp/guidance/IEC/index.html>






Public Meetings

The earlier the better

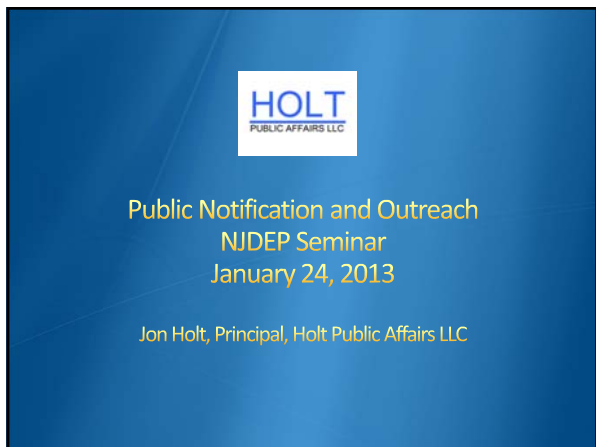
- Meet as often as needed to ensure timely conclusion of activities

Possible formats:

- Local council meeting
- Formal presentation with question and answer period
- Public information session (also known as an "open house")














Allaying Concerns



The image shows a slide titled 'Allaying Concerns'. On the left is a sign that reads 'ENVIRONMENTAL INVESTIGATION/CLEANUP IN PROGRESS AT THIS SITE'. In the center is a cartoon character of a man with a worried expression. On the right is a letter from XYZ Company dated August 2008, addressed to the NJ Department of Environmental Protection. The letter discusses environmental concerns and mentions a 'Site Investigation Report'.

Perception vs. Reality



The image shows a slide titled 'Perception vs. Reality'. It contains two photographs. The left photo shows two workers in full yellow hazmat suits and respirators, suggesting a high level of contamination. The right photo shows two workers in standard safety gear (hard hats, high-visibility vests) working on a site, suggesting a less hazardous environment.

Perception vs. Reality



The image shows a slide titled 'Perception vs. Reality'. It contains three photographs. The top left photo shows a storefront with a sign that says 'The Home Depot'. The top right photo shows another storefront with a sign that says 'The Home Depot'. The bottom photo shows a large stack of metal barrels, likely containing hazardous waste.

Key To Successful Public Notification

Two-Way Communication

- no surprises
- over communicate
- provide mechanisms for inquiries
 - website
 - toll free number
 - repositories

Public Notification Implementation Case Study 2009

- Client meetings to review requirements and develop communications plan
 - meet DEP requirements
 - letters vs. signs
 - meet RP corporate requirement
 - key messages
 - stakeholder outreach
 - responsiveness to inquiries

Public Notification Implementation Case Study 2009

Implementation Planning

Identify resources

- Internal
 - project coordination
 - communications support
- External
 - technical support
 - administrative support
 - translation services
 - fact sheet advertising placement
 - community relations

Public Notification Implementation Case Study 2009

Implementation

- letter to mayors and other stakeholders
- letters to property owners
- newspaper ad placement of fact sheets
- outreach
- toll-free number
- coordinating inquiries with technical team

Public Notification Implementation Case Study 2009

Results

- few inquiries from mayors
- lots of inquiries from neighboring property owners
- confusion over "reports" language:
("A copy of reports submitted to the NJDEP related to the environmental investigation for this site will be made available to the <municipality> upon the <municipality> request.")

2011 Public Notification Implementation

- new set of mayors to communicate with
- second notice to many neighboring property owners
- phone inquiries – fewer

Looking Ahead to 2013

- ability to propose alternative communications plan
- need to coordinate RP and LSRP roles
- more verbal responses as opposed to written reports

Lessons Learned, Helpful Hints and Suggested Improvements

Lessons Learned

- bigger job than expected – start planning early
- people unfamiliar with LSRP concept
- people confused by “A copy of reports submitted to the NJDEP related to the environmental investigation for this site will be made available to the <municipality> upon the <municipality> _____ request. “

Lessons Learned, Helpful Hints and Suggested Improvements

Helpful Hints

- Include term “No action on your part is needed” early-on in communications materials-- this helps to allay concerns.



Lessons Learned, Helpful Hints and Suggested Improvements

Helpful Hints

- Identify newspapers through New Jersey Press Association website www.njpa.org
 - search by county and municipality
- Set up toll free number that can be directed to company representative or LSRP
 - one point of contact, can be easily directed to appropriate contact
 - example, www.accessline.com

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Suggested Improvements

- clarify or remove "A copy of reports submitted to the NJDEP..." language
- allow electronic filing of copies of letters and fact sheets
- allow electronic filing of ad placement invoices and PDFs of newspaper ads
- use of more layman-friendly language (use a cover letter and attach the technical information).
- use of email and websites for notification and handling inquiries

Questions?

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