



NJDEP

Site Remediation Program

Kenneth J. Kloo, Director
Division of Responsible Party
Site Remediation





What I will cover today?

- Licensed Site Remediation Professional Program
- Development of remediation time frames
- Enforcement and compliance assistance
- Direct Department oversight
- Proposed municipal exemptions
- Hazardous Discharge Site Remediation Fund update





Goals of Site Remediation Reform Act (SRRRA)

- Established temporary Licensed Site Remediation Professionals (LSRPs)
- LSRP will “step into the Department’s shoes” to ensure that remediations are:
 - Protective of human health and the environment
 - Conducted in a timely manner





MAY 2012 DEADLINE

All remediating parties must retain LSRP to remediate sites under the new LSRP program

DEP will not issue any NFA letters after May 2012





Why the Department established regulatory time frames

- To keep the remediation on track
- To use established enforcement practices for smaller violations
- To help prevent remediating parties from missing mandatory time frames
- To help keep remediating parties on schedule **to avoid Direct Department Oversight**





REGULATORY AND MANDATORY TIME FRAMES

All cases (existing, new, and opt-in) are
subject to regulatory and mandatory time
frames*

*Except unregulated heating oil tanks (UHOT)





REGULATORY AND MANDATORY TIME FRAMES

- What happens if a regulatory time frame is missed?
 - Remediating party is subject to fines and penalties
- What happens if a mandatory time frame is missed?
 - Remediating party is subject to Direct Department Oversight





Proposed changes in ARRCS rules regarding municipalities/government entities

- Government entities that do not have Spill Act Liability for a particular site:
 - exempt from meeting the proposed new mandatory time frames for completing a remedial investigation and a remedial action.





Enforcement Goals

- Pre-enforcement compliance assistance
- Enforcement of regulatory time frames to avoid missing mandatory time frames
- Refer LSRPs to the board for investigation when warranted





Enforcement Responsibilities

- DEP takes enforcement actions against responsible parties, not LSRPs
- Enforcement against LSRPs is the responsibility of the LSRP Board





Direct Department Oversight

- Category of cases known for non-compliance and/or high risk
- SRRA requires Direct Department Oversight when mandatory time frame missed
- Significantly limits a remediating party's decision making on a site
 - DEP shall review each document
 - DEP selects remedy for the site
 - RP must establish remediation trust fund – funds can only be dispersed upon DEP approval





Remediation fees

- Replaces traditional oversight costs in many cases
 - Allows predictability of cost for budgeting
- Pay annual remediation fees based on
 - Number of areas of concern
 - Media impacted
 - Categories (i.e., UST, landfills)





Remediation Fees

Annual Remediation Fee Table		
\$450	Category I	0-1 AOC
\$900	Category II	2-10 AOCs and USTs
\$5,000	Category III	11-20 AOCs and LFs
\$9,500	Category IV	>20 AOCs
\$1,400	GW media Additive	
\$1,400	SW media Additive	
\$1,400	Sediment media Additive	





Remediation fees

Proposed changes in ARRCs rules regarding fees for government entities

- Government entities that do not have Spill Act Liability for a particular site:
 - **required only to pay an annual remediation fee for a year in which they are actually performing remediation**
- Annual remediation fees for Brownfield Development Areas (BDAs), may be calculated by totaling all AOCs and contaminated media within the BDA, rather than for each site





Hazardous Discharge Site Remediation Fund Update

- Review of all applications suspended
- \$90M unexpended/available for approved projects
- Fiscal Year 2011 \$15.2M
- Fiscal Year 2012 \$13.6M
- No new BDAs for now





Funding Sources

- Brownfield Reimbursement Program
- Economic Redevelopment & Growth (ERG)
- Environmental Infrastructure Trust





SRP Contact Information

Names and phone numbers of SRP staff by topic area are available at

http://www.nj.gov/dep/srp/srra/srra_contacts.htm





Questions?

