



New Jersey Department of Environmental Protection  
Site Remediation and Waste Management Program

## Direct Oversight Public Participation Plan Guidance

The public participation plan required for sites that are subject to Direct Oversight must be submitted to the Department for approval pursuant to the Administrative Requirements for the Remediation of Contaminated Sites - N.J.A.C. 7:26C-14. Approval will be conditioned upon the plan being site-specific, commensurate with site conditions and the level of public interest in the site, and remaining flexible to accommodate ongoing changes in community concerns. For example, a contaminated site located in an industrial area may not need as comprehensive a public participation plan as one in a residential area, which has an off-site ground water plume that involves vapor intrusion sampling. In other words, a one-size-fits-all approach is not appropriate when preparing a public participation plan.

When developing the public participation plan, a critical factor to evaluate is the likelihood of, or the actual, impact to off-site properties. Experience has shown that heightened community concern in the form of public health and property value questions arise when there is off-site migration of contamination. The public participation plan is an opportunity to provide basic site information and solicit community input in advance of requesting access to conduct investigation activities or potable well or vapor intrusion sampling. Informing the public early allows the person responsible for conducting the remediation (PRCR) and their Licensed Site Remediation Professional (LSRP) to deliver a message that is clear and consistent. Engaging in public dialogue allows the PRCR/LSRP to learn of community concerns and to adjust planned remedial activities accordingly, thus avoiding complications and delays.

The PRCR and their LSRP should use their knowledge of the existing site conditions and experience working in the neighborhood to develop a public participation plan that is appropriate for the individual site and community affected or potentially affected by the site. In addition, to assess the level of public interest, the PRCR/LSRP should conduct interviews with local municipal and health officials. They should also inquire as to the existence and level of concern of any community and environmental organizations and conduct interviews with them, accordingly.

- To summarize, the Public Participation Plan should:
  - Be site-specific.
  - Meet the ongoing needs of the community in which the site is located.
  - Include a strategy for soliciting public comment concerning the remediation from the members of the surrounding community.

- Be as rigorous as necessary to reflect the level of public concern and severity of site conditions and be proactive in nature to allay concerns.
- At a minimum the plan should include:
  - Establishing and maintaining a mailing list. The list should include:
    - Owners and tenants within 200 feet of the property boundary
    - The municipal clerk of each municipality in which the site is located
    - The county health department and the local health agency
    - Local news media interested in receiving information about the site, if applicable
    - Names from sign-in sheets from any public meeting regarding the site
    - New Jersey Department of Environmental Protection (NJDEP), Office of Community Relations, and
    - NJDEP, Case Manager, if applicable
  - All correspondence to the public should include:
    - A history of the site operations that caused contamination.
    - A description of the site conditions including the source, type and extent of the contamination.
    - A description of the remedial activities undertaken thus far, currently underway and planned for the future, with a schedule.
    - Contact information for the PRCR and the LSRP.
    - An explicit statement that the PRCR is soliciting public comment via a 30-day public comment period.
    - An explicit statement that comments will be considered and will receive a written response. The PRCR and their LSRP can choose to prepare a response summary and make the summary available to the public instead of preparing individual responses.
    - A description of how the public should submit comments:
      - To the PRCR or LSRP.
      - Via hardcopy or email.
    - An explicit statement that the PRCR and their LSRP will provide electronic copies of remedial documents, upon request. The PRCR and their LSRP may choose to make remedial documents and the public notification letters available by establishing an electronic repository. If so, the notification letter should include a web address for the electronic repository and a statement as to how members of the public who do not have computer or internet access can request documents.
  - The draft plan should include a draft example of the public notification letter that will be sent to the mail list.
  - The PRCR/LSRP should establish a local or electronic repository for all the above correspondence and appropriate major remedial documents.
  - Notification letters should be sent to the mailing list within 45 days of plan approval.

- Letters should be sent using the Certificate of Mailing Service provided by the US Postal Service, or other certification that provides proof of mailing.
  - A copy of the letter and proof of mailing should be provided to the Department within 45 days of mailing.
- Notification letters should be updated and resent to the mailing list in advance of any major remedial milestones including:
  - Completion of Remedial Investigation
  - Completion of Remedial Action Workplan (can be combined with completion of Remedial Investigation if timing coincides)
- In the event that a substantive change to site conditions, remedial approach, or impact to receptors is identified, additional letters may be necessary.
- Following the issuance of a Response Action Outcome (RAO), a notification letter should be sent to the mailing list informing the public that the RAO was issued. The RAO notification letter is informational only without a request for public comment.
- Periodic updates, biennial at minimum, on the progress of the site are necessary if no other correspondence is being sent to the mailing list.
- The PRCR/LSRP must develop a Response Summary and distribute copies of the summary to all parties who provide comment, the information repositories, and the DEP site file.
- The written responses to comments and/or Response Summary must be made available prior to the PRCR/LSRP taking the remedial response action submitted for comment.
- The Public Participation Plan should be flexible and allow for additional public participation in the event that the level of public concern increases.
- In the event of substantial public participation related to the off-site migration of contamination, notification letters should be sent to property owners and tenants within 200 feet of the known extent of contamination.
- If additional public participation is necessary, it can be in any combination of:
  - Public Information Session/Meeting
  - Attending meetings of the local governing body
  - Briefings for local, county, or state or elected officials or community groups
  - Webpage
  - News Releases
  - Community Interviews
  - Interviews with environmental organizations, such as Environmental Commission
  - Telephone Hotlines
  - Fact Sheets
  - Workshops
  - Exhibits
  - Other, based on the needs of the specific community
- Appropriate local and health officials should be notified that a public meeting would be held upon their request, in the event that the level of public participation warrants a public meeting.

- All public participation plan submissions can be emailed to [srp\\_submissions@dep.nj.gov](mailto:srp_submissions@dep.nj.gov). If emailing is not possible, submissions may be mailed in hard copy to:

NJDEP Office of Community Relations  
401 East State Street  
PO Box 420  
Mail Code 401-05N  
Trenton, NJ 08625-0420

Please note: if in the judgement of the PRCR/LSRP one of the listed option above better fits the needs of the community than the letter(s) described above, the PRCR/LSRP is encouraged to submit a public participation plan that describes how the method selected is best suited to the site and surrounding community.