

Quick Reference Guide - Major differences between old SRP process and the new LSRP program

Old SRP Process [Used for existing cases (started remediation before Nov. 4, 2009) that have not opted in, until May 2012]	New LSRP Program [Used for new cases (started remediation on or after November 4, 2009) and existing cases that opt in; all cases as of May 2012]	Comments
Environmental consultant or subsurface evaluator conducts remediation. Case managers oversee the remediation.	Licensed Site Remediation Professional (LSRP) conducts remediation (subsurface evaluators can conduct remediations for UHOT only). Case managers will generally not be assigned.	Currently, temporary licenses, based on education and experience, are being issued by the Department. LSRPs will have to pass a written examination to obtain a permanent license. LSRPs must follow a strict code of conduct established by SRRA.
Owners/operators under ISRA and UST had affirmative obligation to remediate contamination pursuant to required regulatory time frames. Responsible parties under Spill Act had legal liability for cleanup and removal costs.	<u>All</u> responsible parties have an affirmative obligation to remediate contamination pursuant to required regulatory time frames.	As part of the affirmative obligation, remediating parties must notify the Department, hire an LSRP and remediate contamination pursuant to the Department's remediation rules within established regulatory and mandatory time frames.
DEP provides oversight of the remediation and must approve remediation workplans and proposals before the remediation can proceed.	The remediation proceeds without Department preapprovals under the direction of the LSRP with limited exceptions.	The LSRP is "stepping into the Department's shoes" and must remediate using the strict code of conduct to ensure that the remediation is protective of human health and the environment.
Remediation proceeds based on site-specific schedules. Regulatory and mandatory time frames established by rule are applicable to existing and new remediation cases.	Regulatory and mandatory time frames established by rule are applicable to existing and new remediation cases.	To review more details regarding triggers and established time frames please go to: http://www.nj.gov/dep/srp/srra/training/

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DEP Issues No Further Action letter (NFA). <ul style="list-style-type: none"> • May be rescinded or modified if DEP determines that remediation is not protective (N.J.A.C. 7:26C-6.4). 	LSRP Issues Response Action Outcome (RAO). <ul style="list-style-type: none"> • May be rescinded or modified if DEP determines that remediation is not protective (N.J.A.C. 7:26C-6.4). • May not be reopened more than three years after filed with Department unless new contamination is discovered. (N.J.S.A. 58:10C-25). 	The RAO issued by an LSRP is equivalent to an NFA issued by the Department.
DEP issues Covenant Not to Sue with the NFA.	Covenant Not to Sue language is not included with the RAO.	Protections of the Covenant are provided by operation of law.
The Department's oversight costs, which are based on the amount of time that is spent on the case, can vary greatly over time.	Annual fees are based on the number of areas of concern (AOC) and impacted media (ground water, sediment, surface water), and are predictable.	Annual fees are billed yearly and may be reduced when there is a decrease in the number of areas of concern. Exceptions include cases requiring Direct Department Oversight and Immediate Environmental Concern cases.
Only the Department can: <ul style="list-style-type: none"> • Approve total amount for the Remediation Funding Source (RFS); • Allow reduction of RFS; • Allow disbursement of RFS. 	Either the Department or the LSRP can: <ul style="list-style-type: none"> • Approve total amount for the RFS; • Allow reduction of RFS; • Allow disbursement of RFS. 	The Department will continue to be the beneficiary of all remediation funding sources and financial assurance.

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When required, a Remediation Funding Source (RFS) must include the cost of the operation and maintenance of engineering controls. Only the Department can: <ul style="list-style-type: none"> • Approve total amount of RFS; • Allow reduction of RFS; • Allow disbursement of RFS. 	Financial Assurance (FA) is required when remedial action permits include engineering controls and may be limited to cover the cost of maintaining those controls. (*see exemptions below). The LSRP can: <ul style="list-style-type: none"> • Approve total amount for the FA; • Allow reduction of FA; • Allow disbursement of FA. 	There is no annual surcharge associated with the maintenance of the FA. For more details go to http://www.nj.gov/dep/srp/srra/training/

*N.J.A.C. 7:26C-7.7(b) exempts some parties from the requirement to post financial assurance: a government entity; a non-Spill Act responsible party who purchased a contaminated site prior to May 7, 2009, and is remediating or has remediated; a person conducting remediation at that person's primary or secondary residence; the owner or operator of a licensed child care center who performs remediation at the center; the person conducting remediation at a school; and the owner or operator of a small business who is conducting a remediation at his or her business property.