



Site Remediation Reform

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Site Remediation Program



Current Stats

- Temporary LSRPs – 333 (as of March 26, 2010)

Case statistics *(as of February 23, 2010)

- “New” cases using LSRPs – 179
- Cases requesting to opt in – 23
- Total new cases '10 – 442
- Total NFAs in '10 – 664
- Documents submitted by an LSRP:
 - PA/SI – 15
 - RAO – 17
 - RAR – 2



Next Steps

- Stakeholder Process:
 - Over hundred volunteers
 - Steering Committee
 - Four workgroups:
 - Near Term Priorities
 - Measures of Success
 - Tech Regulations
 - Guidance Documents



Rule Strategy

- Propose interim rule as the final rule.
- Some amendments, fixes
- IPR-type process
- APA process – public comment
- Propose major revisions to Tech regs and a new ARRCs rule by May 2011
- Adopt final rules before May 2012



Status of RAOs Issued to Date

- As of 2/23/10, 17 RAOs have been filed with the Department.
- Of these, 5 had no issues.
- The Department will be invalidating 2 RAOs.
- LSRPs have been/will be asked to “amend” 4 RAOs
- Remainder of filed RAOs are still under review.



Common Problems with RAOs

- Scope/type of remediation improperly described (e.g. says full site when it should say AOC, or says unrestricted when it should say limited restricted)
- AOCs are not addressed
- Building interior insert missing
- Inappropriately modified RAO insert
- RAO is being issued without confirmation that outstanding fee and oversight costs have been paid
- Wrong fee accompanying RAO
- Missing PI and/or case number



Common Problems with RAOs

- “LSRP ” is not truly an LSRP
- Phase 1/2 vs PA/SI; yet certified by LSRP that the RAO meets the rules.
- Wrong forms; no forms



Amend vs. Invalidate??????

During this transitional period, when the DEP discovers errors or omissions in a RAO:

- If the problems are administrative in nature, the Department may ask the LSRP to issue an amended RAO that will supersede the prior RAO.
- If the problems are technical in nature, the Department may invalidate the RAO. If the RAO is invalidated, the LSRP will issue a new RAO when the issues have been resolved.

NJDEP SRP - Site Remediation Reform Act (SRRA) - Windows Internet Explorer

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

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Site Remediation Reform Act (SRRA)

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What's New

► The courtesy copy [pdf] of the

Special Notice: If you are an LSRP planning to submit a document, please click [here](#).

Faced with the challenge of ensuring that more than 20,000 contaminated sites in New Jersey are properly remediated in a timely manner, the Department of Environmental Protection (NJDEP) worked closely with the New Jersey Legislature and stakeholders to develop legislation that will dramatically change the process used to conduct environmental investigations and cleanups. On May 7, 2009, Governor Jon Corzine signed the [Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.](#) [pdf] ("SRRA") into law. The Governor also signed [Executive Order #140](#),



SRRA Resources

- Application for LSRP
- Background
- Forms
- Guidance Documents
- Training & Events
- Community Assistance
- Frequently Asked Questions (FAQ) and Program Contacts
- Remediation Funding Source Guide

Related Links



Let's do it right

- Make sure you have read SRRRA
- Make sure you have read the 11/4/09 rules – ARRCs and Tech regs
- Make sure you have read the guidance docs
- Make sure you are the listserv
- Make sure you know forms you need to submit
- Make sure you are talking to us!!!!!!



Opt In Requests

- “Request to Proceed without Department Pre-approvals” Form is **only** required for sites that have been continuously conducting remediation with Department oversight since prior to 11/4/09 and that want to proceed without the Dept’s pre-approval using a LSRP.
- Must wait for Department approval before submitting annual fee and proceeding without oversight.
- Sites that have not had Department oversight or that initiate remediation after 11/4/09 do **not** need to submit the Request to Proceed without Department Pre-approvals Form




Benefit's of "Opting –In"

LSRP Benefits

- LSRP takes control of remedial decision making based on Best Professional Judgment (BPJ)
 - Empowers decision making to the LSRP.
 - Variance allowances to LSRP without Preapproval (BPJ)
 - More freedom in the application of Conceptual Site Models
 - Real time decision making
 - Working together with LSRP to facilitate and expedite cleanups.
- Two way communication
- Direct Access to Department's technical support.
- Kickoff meetings as requested

Remediation Party Benefits


- Predictable Annual Fee's (certainty in budgeting, Note: exceptions IEC's will be billed also)
- Control of Remediation and Funding Allocation by remediation party (within regulatory timelines)
- Real time decision making (no waiting for Department review and comments)
- Compliance Assistance Mode (no NODs)
- LSRP Assistance
- As of May 2012 all cases will be required to have an LSRP. Between now and then the Department resources' are available to assist remediating party
- Bottom line – It's a business decision



Receptor Evaluation Time Frames

When did they really start?

- Although the regulatory timeframe and mandatory timeframe for an **Initial** RE is Nov. 26, 2010 and March 1, 2011 respectively, the following requirements applied as of Nov. 4, 2009:
- See NJAC 7:26E 1.17 and 1.18 (GW and VI evaluations)



Receptor Evaluation Timeframes

IF Ground Water is impacted

- Ground water Use Evaluation
NJAC 7:26E 1.17:
 - 90 day– Well search
 - 120 day- well sampling
 - IEC Immediate notification
 - 14 day- data submission
 - 14 day- Step out
- Vapor Intrusion Evaluation NJAC
7:26E 1.18:
 - 60 day- pathway evaluation
 - 150 day- VIG sampling
 - IEC Immediate notification
 - 14 day- data submission
 - 14 day- Step out



!UPDATE!

- Cases that had knowledge of ground water contamination and have not completed their Receptor Evaluation for GW and VI,
and
- Are not under site specific remediation timeframe or enforcement
- Will be considered to have started March 1, 2010 not November 4, 2009.



Immediate Environmental Concerns

- Do you know what an IEC is????? Rules, guidance.
- To be an IEC –must have 3 conditions
 - A discharged Hazardous Substance.
 - A path way linking Discharged substance to Receptor
 - A Receptor (human) being exposed above acceptable limits
- Regulatory and Mandatory timeframes are on place now for all cases.
- **All** are vapors and potable contamination exceedences, **must** be reported to the Department per the tech regs.
- Case managers will be assigned to all new cases with IEC conditions.
- If you have a case manager, call them asap.
- If you are not familiar with the VIG, you need to be.



Regulated USTS & LSRP

- Use of a LSRP is required when one of the following are initiated after 11/4/09: closure, site investigation, investigation of a suspected release, or remediation of a confirmed discharge.
- An UST certified contractor may continue to conduct these activities if they were initiated prior to 11/4/09 and remediation has been ongoing since the Department was notified of the discharge. But only until 5/2012!



Remedial Action Permits

- Effective 1/15/2010, anyone who remediates a site that using institution or engineering controls must obtain a remedial action permit from the Department.
- Permit is required prior to RAO or NFA being issued.
- Regardless of final remediation document - RAO or NFA.
- Draft forms and instructions are on the web.
- Use the draft forms, they are soon to be finalized, post stakeholder input.



New Site Remediation Permits

- Permits for ground water will be issued after initial monitoring confirms “success” with treatment or Natural Remediation
- New cases/opting in - LSRPs “write” the permit, we audit and send approval letter/permit conditions
- Existing cases, no LSRP, work with case manager to get your permit
- RAO/NFA can be issued at this point and the permit will be used to ensure groundwater cleanup
- Permit can be reopened if cleanup unsuccessful



New cases - Processing

- All other new cases will go through the new review process
- DEP will be in “**compliance assistance**” mode for next 2 years; communication will be via phone calls, meetings, etc...
- No NODs
- Some new cases will have case manager assigned based on criteria in Section 21; case manager will decide on how to conduct reviews
- New annual fees will apply unless case manager assigned for the entire site



Reminders

- As of May 2009, all persons responsible for conducting a cleanup have an affirmative obligation to remediate. Do not wait for the DEP to reach out to you. This include historic fill sites.
- As of Nov. 2009, all new cases must hire an LSRP and proceed with remediation without waiting for DEP approvals
- The Nov 2009 rules define a “new case”.



Stop Work Points

- LSRP/RP must communicate with DEP before proceeding with remediation under these conditions:
 - IEC conditions
 - Alternative Presumptive Remedy
 - Alternative or site-specific remediation standard that requires modeling
 - Bringing contaminated materials to a site above what is needed for grading.
 - Landfill closures and disruptions
 - Selection of a remedial action that will render the property un-useable.



Not sure what to do?

- Call us. There is a list of contacts on the website
- FAQs are going up shortly as are new guidance charts
- Webpage is being revamped to be more user friendly
- Sign up for the Listserv
- **<http://www.nj.gov/dep/srp/srra/>**