

ECCE and RAP Update

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Remedial Action Permitting Update

Staffing update:

- Mike Gaudio has been named Bureau Chief of the Bureau of Remedial Action Permitting (BRAP)
- In process of hiring 3 new trainees - interviews conducted; had very good candidates
- 2 staff will be temporarily transferring to BRAP from other bureaus for 6 months
- Training other staff in CSRRP to issue permits on a part-time basis

Remedial Action Permitting Update (cont.)

- ▶ Transferred some administrative tasks to another bureau (BCAIN) to allow BRAP staff to focus on technical reviews
 - ▶ Identifying more tasks that can be handled by administrative staff, e.g., address changes in permits
- ▶ Lean-Six-Sigma project to evaluate permitting process and suggest improvements
 - ▶ Project still on-going; should be finished this summer
 - ▶ Has identified some areas for improvement that will be implemented. Main one is the need to get the portal for electronic submissions of permit applications, however that will take some time

Remedial Action Permitting Update (cont.)

- ▶ Working on rule changes to allow for general permits - getting the rules drafted is a priority
- ▶ MNA and Ground Water RAP training given on January 31
 - ▶ Agenda, slides and webinar have been posted on our training webpage
 - ▶ Common deficiencies in permit applications are covered in the training
 - ▶ [NJDEP SRP - Site Remediation Reform Act \(SRRA\): Training](#)

Remedial Action Permitting Update (cont.)

- ▶ Independent Professional Judgement listening session
 - ▶ Thank you to those of you who sent in white papers. Some examples given were related to reviews conducted of permit applications and associated documents.
 - ▶ Looking forward to hearing more from those people attending the session on February 22nd
- ▶ ECCC - Effective Collaborative Communication Committee has been working on FAQs related to remedial action permitting and should be finished with the draft of the FAQs soon



**Effective Collaborative Communications
Committee (ECCC) Status
February 14, 2023**

- ECCCC was initiated in April 2022 with bi-weekly meetings.
- Overall goals are to:
 - Establish a collaborative team of stakeholders including NJDEP staff, LSRPs and industry representatives.
 - Empower the stakeholder team to explore reasons why initial RAP application deficiencies are elevated, but many are ultimately approved.
 - Share the outcome with the regulated community.

ECCC Purpose



ECCC is comprised of:

- Six NJDEP staff from BRAP and BIR
- Three SRIN members
- Three LSRPA members
- Facilitator and Scribe

ECCC Composition



- Frequently Asked Questions (FAQs) and answers
- Review process flowcharts
- Presentation/Training

ECCC Products



- Notice of Technical Deficiency (NTD) Questions
- RAP Application Administrative Questions
- Financial Assurance (FA) Questions
- RAP Application Technical Questions
- RAR Administrative Questions
- Receptor Evaluation Questions

FAQ Categories



1. Using incorrect language in the Letter of Credit.
2. Administrative information (i.e., Block and Lot information, contaminants of concern, cap construction) in the Deed Notice not consistent between Soil RAP Application and RAR.
3. Inaccurate descriptions in Exhibit C of the Deed Notice regarding the purpose and function of the engineering control.
4. Ground water and/or soil contamination not delineated to the applicable remediation standards in all directions horizontally and/or vertically with no technical justification or variance provided.

What are the most common issues that result in RAP Application NTDs and withdrawals?



5. Onsite sources of ground water contamination not identified or insufficiently investigated and/or remediated with ground water data indicating potential ongoing source.
6. Insufficient ground water sampling events conducted for a MNA Ground Water RAP without MLEs to support a deviation from guidance.
7. MNA Ground Water RAP Applications for free and residual product.
8. MNA Ground Water RAP Applications with non-decreasing ground water trends or stable trends without MLEs to support a deviation from guidance.

What are the most common issues that result in RAP Application NTDs and withdrawals?



9. Vapor Intrusion (VI) investigation not completed when VI trigger present without MLEs to support a variance from the tech regs (N.J.A.C. 7:26E).
10. Active System Ground Water RAP Application for free and residual product with only sporadic recovery methods being used to address source area(s).
11. Leaving EPH soil contamination above the free and residual product threshold without MLEs to support a variance from the tech regs (N.J.A.C. 7:26E).

What are the most common issues that result in RAP Application NTDs and withdrawals?



- ECCC continuing to meet to finalize FAQs and flow charts.
- NJDEP final review of FAQs.
- Posting on NJDEP website (anticipated Spring 2023).
- Discussion/development of training for LSRPs.

Next Steps



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Questions?